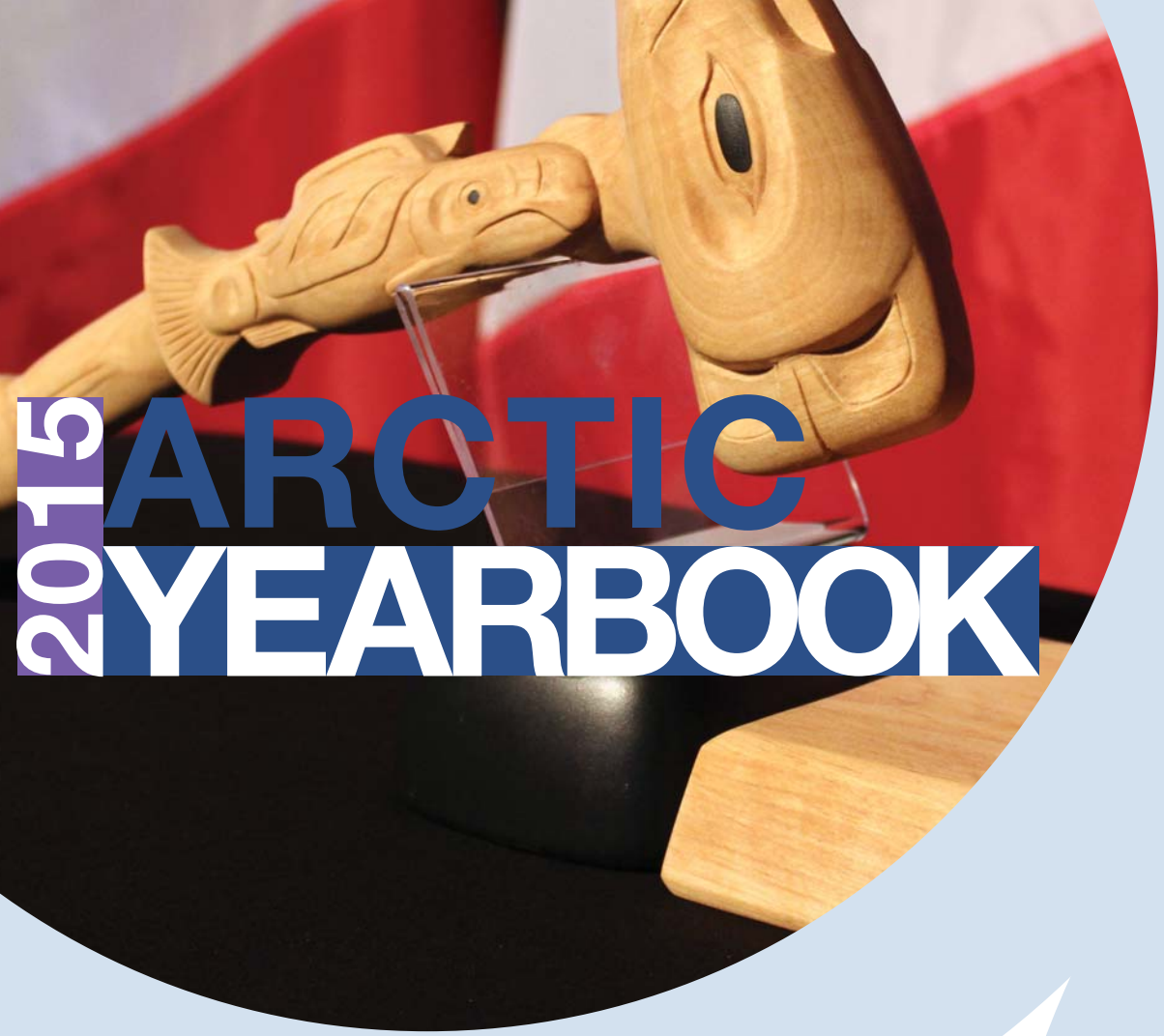

2015 ARCTIC YEARBOOK

Arctic Governance and Governing

Lassi Heininen
Heather Exner-Pirot
Joël Plouffe

nrf

Arctic Yearbook 2015

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About Arctic Yearbook

The Arctic Yearbook is the outcome of the Northern Research Forum (NRF) and UArctic joint Thematic Network (TN) on Geopolitics and Security. The TN also organizes the annual Calotte Academy.

The Arctic Yearbook seeks to be the preeminent repository of critical analysis on the Arctic region, with a mandate to inform observers about the state of Arctic politics, governance and security. It is an international and interdisciplinary peer-reviewed publication, published online at [www.arcticyearbook.com] to ensure wide distribution and accessibility to a variety of stakeholders and observers.

Arctic Yearbook material is obtained through a combination of invited contributions and an open call for papers. For more information on contributing to the Arctic Yearbook, or participating in the TN on Geopolitics and Security, contact the Editor, Lassi Heininen.

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Arctic Yearbook 2015: Governance & Governing

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Introduction

Preface

Arctic Governance

Fran Ulmer

> *"The most important thing for people to know about the governance of the Arctic is that we have a chance now to act to maintain the integrity of the system or to lose it. To lose it means that we will dismember the vital systems that make the Arctic work. It's not just a cost to the people who live there. It's a cost to all people everywhere."*
>
> - Sylvia Earle[1]

Governance is "*the processes of interaction and decision-making among the actors involved in a collective problem that lead to the creation, reinforcement, or reproduction of social norms and institutions*."[2] In short, it's the effort to make good decisions for society.

From my perspective, the news is good. Arctic governance is gaining strength, both within the US and internationally. Despite stressful changes tied to global geopolitical pressures and dramatic climate change, cooperation continues to be the theme in dialog, actions, and outcomes in the Arctic. The world's ability to set aside sharp policy differences experienced at lower latitudes, in order to work together at the higher ones is, perhaps, a testament to the special value the world places on the Arctic.

Fran Ulmer is Special Advisor to the U.S. Secretary of State on Arctic Science and Policy and Chair of the U.S. Arctic Research Commission.

Let's start with the United States. The most recent phase of attention on Arctic governance began in 2009, in the waning days of the Bush Administration, with the update to the Arctic Region Policy (NSPD-66/HSPD-25). This policy document was reaffirmed in the early days of the Obama Administration as the first of several steps to build on that foundation.

It could be argued that one of President Obama's enduring legacies will be his attention to the growing importance of the Arctic region, and the need to govern it well, both domestically and internationally. His recent trip to Alaska (and north of the Arctic Circle) represented both a significant symbolic and practical achievement. Appreciation was expressed for the Administration's focus on and investments in climate change, renewable energy, enhancements to safety and security, and assistance to remote communities.

Good governance starts with reliable information, including results from scientific research. In a vast region with relatively limited access, it is particularly important to obtain and integrate as much relevant information as possible. To that end, in 2010, President Obama elevated the stature of Arctic research by directing the National Science and Technology Council to revitalize the Interagency Arctic Research Policy Committee (IARPC), a coordinating entity created by Congress by the Arctic Research Policy Act of 1984 (the US Arctic Research Commission (www.arctic.gov) is another product of that legislation).

In February 2013, the White House released IARPC's first five-year integrated Arctic research program plan. The plan's seven research themes advance fundamental knowledge of the region, and help inform decision-making.

In May 2013, President Obama released "The National Strategy for the Arctic Region," which focuses on three lines of effort, which are to: (1) advance US security interests; (2) pursue responsible Arctic region stewardship; and (3) strengthen international cooperation.

In January 2014, the White House released the "Implementation Plan for The National Strategy for the Arctic Region," establishing the process and approach for executing the Strategy. These initiatives build upon existing efforts by federal agencies, state government, local, and tribal authorities, the private sector, and international partners. In January 2015, the President signed Executive Order (#13689) establishing an Arctic Executive Steering Committee (AESC) to focus coordination efforts, chaired by White House senior leadership.

The AESC helped plan and conduct the August 31, 2015 "Global Leadership in the Arctic Cooperation, Innovation, Engagement and Resilience (GLACIER)" conference, hosted by the US Department of State, and attended by ministers and other high-level officials from many Arctic and non-Arctic states. The "Chair's Summary" can be found here (http://www.state.gov/r/pa/prs/ps/2015/09/246511.htm); the "Joint Statement" here (http://www.state.gov/r/pa/prs/ps/2015/08/246487.htm); and President Obama's closing speech (https://www.whitehouse.gov/the-press-office/2015/09/01/remarks-president-glacier-conference-anchorage-ak).

Although GLACIER was not an official Arctic Council event, its agenda aligned with the main focus areas of the Council: environmental protection and sustainable development in the Arctic. In recent

years, the Council, established in 1996, has increased its effectiveness. For example, Council discussions initiated and resulted in binding, multilateral agreements on search and rescue, and on oil pollution preparedness and response. A third agreement is currently being negotiated to enhance and strengthen Arctic scientific cooperation. I hope this agreement will provide additional incentives to improve access and sharing of observations and information among all nations.

A recent example of progress toward effective Arctic cooperation and governance can be found in the topic of fisheries. Two consensus views emerged from informal discussion among parties from Arctic coastal states. First, that the commercial fishing industry may be enticed to the high seas region of Central Arctic Ocean, where waters previously covered by multi-year ice are increasingly experiencing thin ice, and even open water. Second, as minimal scientific research has been focused on the fisheries and ecosystem of this region, the state of knowledge about Arctic fish stocks is inadequate to support sustainable management of them. As a result, five Arctic coastal states signed a declaration in July 2015, agreeing to prevent unregulated commercial fishing in high seas portion of the Central Arctic Ocean. Other countries are encouraged to join them.

Two other examples are worth noting. One is the recent adoption by the International Maritime Organization of the mandatory Polar Code governing shipping, which enters into force in 2017, and addresses shipping requirements related to safety and the environment. The second is the United Nations Convention on the Law of the Sea, which, by providing a firm foundation for freedom of the seas and the limits of national boundaries, reduces the potential for unresolvable jurisdictional issues. As many have argued, for years now, the US needs to accede to this treaty.

I remain optimistic that Arctic nations will continue to work together respectfully and cooperatively. It is in their collective best interest to assure the region is governed with clear rules reflecting the shared values of environmental protection and sustainable development. It is also in the best interest of future generations that all nations focus on actions that will protect this valuable and vulnerable region from melting, thawing, and transforming into an entirely different ecosystem. The health of the comfortable planet we call home depends upon it.

Notes

1. Quote in a 2011 interview with *EarthSky*. See: http://earthsky.org/earth/sylvia-earle-an-open-ocean-in-the-arctic-in-summer
2. Hufty, Marc. (2011). Investigating Policy Processes: The Governance Analytical Framework (GAF) in U. Wiesmann, H. Hurni, et al. (eds). *Research for Sustainable Development: Foundations, Experiences, and Perspectives* (pp. 403–424). Bern: Geographica Bernensia.

Introduction

Governance and Governing in the Arctic:
An Introduction to the Arctic Yearbook 2015

Lassi Heininen, Heather Exner-Pirot & Joël Plouffe

Defining governance and governing in the Arctic

Governance and *governing* have several (contested and distinct) meanings across the social and political sciences' disciplines and sub-disciplines (Pelaudeix 2015; Cairney 2011; Kjaer 2004; Rhodes 1996, 2000 & 2006; March & Olsen 1995; Rosenau 1995; Newman 2005). As a theme for this issue of *Arctic Yearbook*, "Governance and Governing" is intended to provide critical analysis of the often-blurry functions of transnational and regional cooperation in the Circumpolar North. It seeks to emphasise governance as processes that embody a multiple set of public *and* private governing actions (Stoker 1998; Ansell & Gash 2011).

Broadly defined, these two conceptual ideas serve as a setting to map different levels of interactions (local to international) that constitute the multiple and complex equations of (historical and contemporary) Arctic geopolitics. Indeed, both concepts are useful since they offer reference points to conceptualize everyday language and practices embedded in public or private decision-making. They highlight a puzzle, web or network of northern collective efforts and relationships between many actors that make up the governance equation that underlines the peaceful and/or conflictual interactions of Arctic geopolitics (see also the definition of governance in the preface by Fran Ulmer).

Lassi Heininen is Editor and Heather Exner-Pirot and Joël Plouffe are Managing Editors of the Arctic Yearbook.

Governance is considered here as numerous principles, objectives and meanings that create the space in which actors will implement ideas, policies and institutions and/or institutional arrangements in a way to achieve collectively decided objectives. *Arctic Yearbook* 2015 therefore seeks to map some patterns of various interrelationships and interdependences in the Arctic by looking at how (multi-faceted) governance structures have emerged, are negotiated, influenced and organized in a way to address cross-border and transnational problems and opportunities.

Governing is understood here as a set of, and a practice by, different private or public actors engaged in the development *and* implementation (or operationalization) of governance (structures and mechanism) through various actions and instruments. They are the makers and doers of governance in which various actors are engaged: public and/or private individuals, organizations and institutions (actors) that develop and implement governance frameworks that are established and structured by normative constraints and opportunities in different regional contexts and contingencies.

The interplay between governance and governing occurs at a variety of levels in the Arctic including:

- *Local* – e.g. municipal (Barrow, Troms, Akureyri), indigenous (Aleutian Pribilof Islands Association, Yellowknives Dene First Nation, Kativik Regional Government);
- *Sub-national* – e.g. self-governing constituencies (Greenland, Faroe Islands), territories (Yukon, NWT, Nunavut), states (Alaska), republics (Yakutsk, Komi, Karelia), provinces (Québec), and counties (Lapland, Norbotten);
- *National* – e.g. states (Canada, Kingdom of Denmark, Iceland, Finland, Norway, Russian Federation, Sweden, United States);
- *Sub-Regional* – e.g. Barents Euro Arctic Council, Arctic Five, West Nordic Council, Inuit Circumpolar Council, Saami Council;
- *Regional* – e.g. Arctic Council, Northern Forum, Arctic Military Environmental Cooperation Program;
- *International* – e.g. International Maritime Organization (IMO), UN Commission on the Limits of the Continental Shelf (UNCLOS).

Most stakeholders will tend to view the governance level nearest to their interests and everyday life as the most important. But what is unique in the Arctic is the extent to which these various levels intersect and interact. In addition there are a variety of circumpolar non-governmental actors who often communicate, influence or participate in the process of policy development and implementation. It has often been remarked that the epistemic community on the Arctic is particularly influential and engaged, for better and for worse, and includes media outlets, academic networks, and environmental and social NGOs.

We chose the theme "Governance and Governing" to build awareness of and address the nuances of governance in the Arctic region, and the impacts of different histories, cultures, constraints and values. It is easy for the casual non-Northern observer to imagine the Arctic as a singular, international, region, governed by the Arctic Council. But this represents only a sliver of what is required and conducted.

Governance of the Arctic (as structure and agency) is multi-faceted, interconnected and evolving. Above all, it is complex.

Exceptionalities of Arctic governance

If all politics are local, then it should be no surprise that governance in the Arctic seems to have taken on some unique characteristics, reflective of the culture of the inhabitants, the particularities of the geography, and the time in which many governance and arrangements came into being. There is a pervasive sense of governance in the Arctic being different – even exceptional.

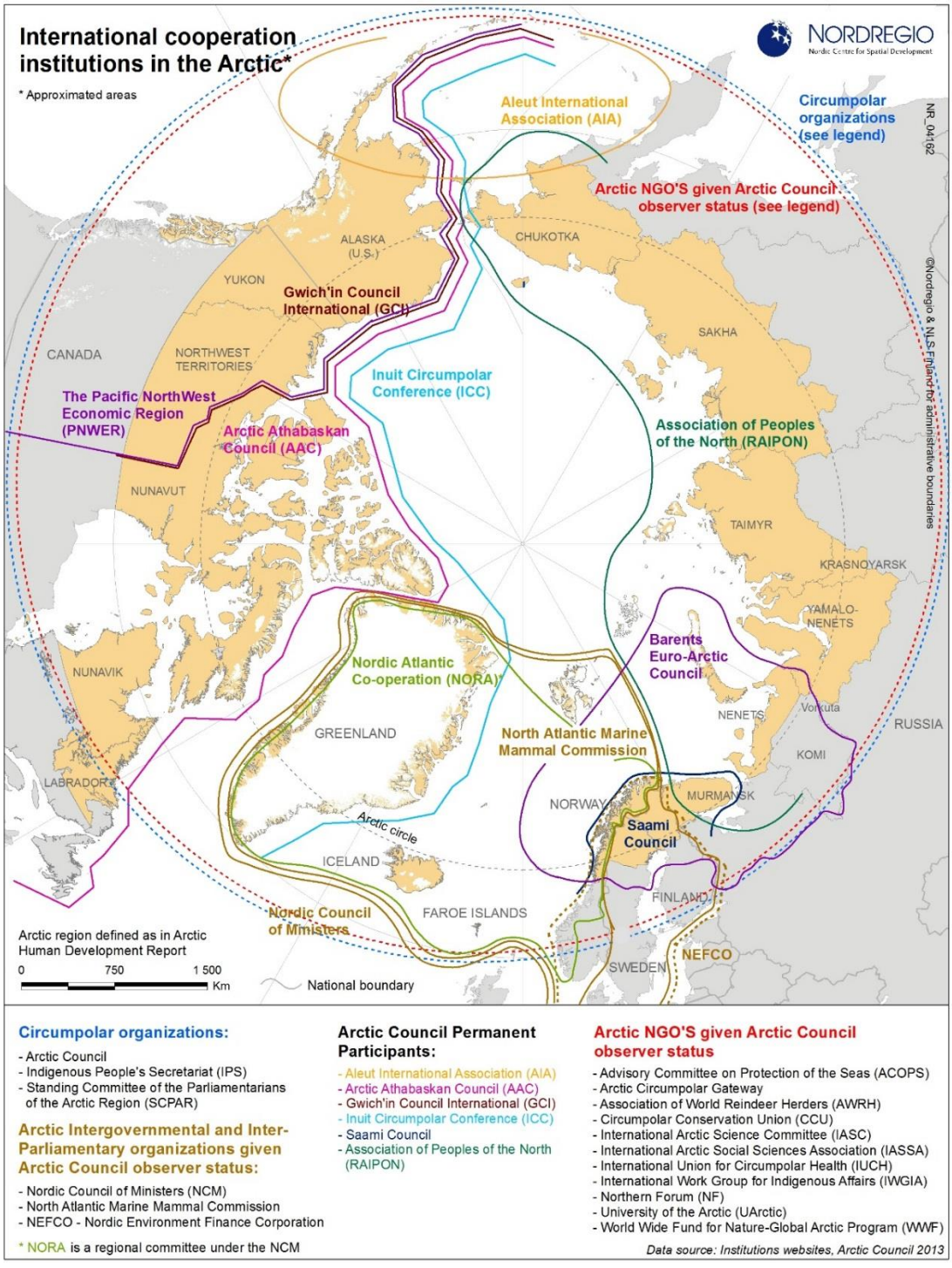
How does this manifest itself in practice? First off, Arctic governance seems to be less hierarchical and more decentralized than conventional governance, from the local all the way to the regional level. There is a high premium placed, and increasingly an expectation of, consultation and engagement, a reaction to centuries of control and authority of distant southern capitals over local decision-making. Similarly northern governance often aims for consensus, something that is important when networks are small and close-knit, and the stakes are historically high given the extreme conditions. But the congeniality of consensus is often diminished by the concomitant slowness it imposes on decision-making in the 21st century, where rapid business and political changes often call for a more decisive approach.

This inclusive approach to decision-making has produced a flattened hierarchy where an unusually diverse collection of stakeholders, not just indigenous and state governments, have had agency in decision-making processes.

This includes the private sector, from the presence, though declining, of single industry company towns across the Circumpolar North where the line between work and community life is blurred; to the growing number of Impact and Benefit Agreements and their ilk, which once again is seeing the private sector accept responsibility for traditional state obligations such as training, employment creation, health promotion and infrastructure development.

The military has also had an inordinate level of governance and governing involvement in the Arctic, not only by producing the bulk of jobs in communities where bases are located but through the development of infrastructure, from airstrips, ports and roads to heat, power and water. Alaska, Greenland, Iceland, the North Calotte and the Murmansk regions, all provide examples of military needs driving local development.

But perhaps one of the most unique aspects of Arctic governance has been the role played by the epistemic community in policy development and decision-making. The Arctic epistemic community includes scientists, academics, environmentalists, and NGOs, brought together by common values around sustainable development and conservation. Is there any other region in the world where scientists play such a high profile role in policy shaping, from shipping regulations to resource development? Or where science, from polar bear numbers to the impacts of climate change, is so politicized? Is there another region where the average citizen is as fluent in environmental technicalities such as Persistent Organic Pollutants (POPs) or historic averages of sea ice extent?



Source: Nordregio (2013).

Finally, accounts of Arctic governance often revolve around innovations in legal and political institutional arrangements (see AHDR 2004) developed in the past forty years, most notably:

- The Alaska Native Claims Settlement Act of 1971, which transferred approximately 99 million acres (40 million hectares) of public land to native Alaskans, along with a US$962.5 million settlement;
- The attainment of Home Rule in 1979 and then Self-Rule in 2009 in Greenland, which transferred control over a wide variety of governance functions from the Kingdom of Denmark to Greenland, including the right to revenues from non-renewable resource development;
- The establishment of Sami Parliaments in Norway (1989), Sweden (1993), and Finland (1996) and a Kola Sami Assembly in Russia (2010);
- Cultural self-determination in Finland (1996), and the Finnmark Act in Norway in 2005;
- The establishment of the territory of Nunavut in 1999 and the settlement of land claims in the four Canadian Inuit regions of Nunavik (1975), Inuvialuit (1984), Nunavut (1993), and Nunatsiavut (2005);
- The negotiation of the Yukon First Nations Land Claims Settlement Act in 1994; and
- The devolution of additional governance functions to Yukon in 1993 and 2003, and Northwest Territories in 2013.

These are among the most progressive arrangements for devolving governance and governing powers and responsibilities to geographically and ethnically marginalized populations in the world, and in particular are a model for promoting the self-determination of indigenous peoples. Why did these innovative, even revolutionary, agreements cluster in the Arctic? Part of the answer is that many of these agreements occurred in underpopulated areas, particularly in North America and the Nordic region, where European migrants had settled only marginally and indigenous inhabitants still made up the majority, and where administrative structures were still relatively flexible. This made the political and economic costs associated with devolution bearable to Southern voters/taxpayers. Another factor was the introduction of devolution processes, much based on the Nordic model, after World War II, when the northernmost regions started to adopt/accept modernization. Devolution assisted northern regions to become more resilient, and prepared them for self-determination and self-governing functions, as the Home Rule Government of Greenland shows.

And while it's a stretch to think of indigenous policies of the Arctic states as having been benign, the fact that they are almost all liberal democracies gave the shared values of self-determination and pluralism an ability to translate into concrete policy. The comparatively limited governing powers granted to Russian indigenous and northern peoples is much more similar to the abrogation of agency endured by ethnic minorities and indigenous peoples around the globe. That said, most if not all northern indigenous and sub-national governments remain dependent on national governments for large public transfers and subsidies for the services expected in the modern welfare state for the past several decades. However it is also true that in the early 21st century the situation changed due to mass-scale fisheries and exploitation of hydrocarbons and other minerals, and the gross production of the Arctic region as a whole exceeded transfers by southern capitals (AHDR 2004), although with significant regional variation.

De jure autonomy is not the same as de facto autonomy, and it remains to be seen if or how northern polities, with their huge geographical areas and small, often economically depressed, populations can

combat the limitations imposed by a lack of economies of scale. Reducing dependence on external transfers will likely become more difficult as the globe shifts to a non-hydrocarbon based energy paradigm, an important source of local revenues in Alaska, northern Norway and the Russian Arctic especially. Greenland is making the most protracted efforts to become wholly independent, of Denmark, but a total break seems unlikely in the foreseeable future, as commodity prices slacken.

Finally, the innovative governance arrangements that extended around the Arctic can be said to have benefited from a lack of path dependency – few historical institutions and agreements limiting the options available to northern polities as they set to establish new frameworks for local governance and self-governing. The fact that northern governance matured in the post-World War II era, with the right to self-determination entrenched in the Universal Declaration of Human Rights and the global order slowly evolving towards a post-Westphalian paradigm, also opened up possibilities.

The special nature of regional Arctic governance

The *Arctic Yearbook* has an intellectual bias towards exploring *regional* governance, development and security, which in the past two decades has provided a front row seat to one of the most rapidly changing and exciting evolutions in contemporary world politics. It is often remarked that regional Arctic governance is unique, and even exceptional. What makes it so?

Regional governance bears many similarities to indigenous and sub-national governance in the Arctic. The Arctic Council, for example, operates on a consensual basis, and has created a tremendous amount of space for indigenous and local engagement, most notably in the creation of the Permanent Participant role. Although the format can impede the speed at which decisions are made, the net result has been incremental and consensual progression of activities, a governance dynamic based on a bottom-up (rather than top-bottom) approach for developing and implementing local to international ideas, and a very cooperative atmosphere. While the Arctic Council has no formal governance responsibilities and rights, it has proven progressively more effective at policy-shaping in the Arctic region.

Another aspect which is unique to the Arctic are the issue areas that have been identified as priorities. Regional governance equations in other parts of the world have typically developed as security or trade complexes. In the Arctic however, international collaboration has taken place almost entirely around environmental issues and sustainable development: from marine mammal protection to addressing pollutants, on the one hand, and supporting social-economic development to facilitating business interaction and responsible economic development in very remote and underdeveloped areas of the globe, on the other. This was started in the late 1980s by Indigenous peoples and their organizations, who together with environmentalists and some researchers first became concern on a state of the environment non-states, and then demanded and pushed the governments of the Arctic states to do something on the matter. The Arctic states listened and started their cooperation for Arctic environmental protection, as was agreed in the Arctic Environmental Protection Strategy (AEPS) signed in 1991 (Rovaniemi Declaration 1991). Furthermore, the states manifested their commitment - to the well-being of the inhabitants, the protection of the Arctic environment and sustainable development - when the Arctic Council was established in 1996 (Ottawa Declaration 1996). These

commitments have earned legitimacy among the people(s) and the civil societies of the Arctic region, though the implementation could be faster.

From a foreign policy and security perspective, it can also be argued that the interactions of Arctic governance agencies have provided an instrument that continues to serve the national interests of all regional state actors. Considered as a geostrategic hotspot during the Cold War era, the warming of East-West relations during the 1990s opened a foreign policy window of opportunity to push forward ideas, agendas and values that would strengthen regional state and sub-state confidence and prosperity in a very remote and complex area of the globe. Indeed, the Arctic has produced and has been shaped by governance efforts by regional state-to-state and people-to-people relationships that have arguably established and enhanced stability through diplomatic, scientific, and emerging economic, dialogue. From efforts to sustain scientific collaboration for common environmental imperatives, to recurrent post-Cold War regional and international networks and meetings dealing with non-military concerns between governments and non-governmental actors, Arctic governance is a rubric of ideas, ideals and actions that have resulted in numerous multilateral soft-power confidence building instruments that contribute to stability and security in a unique geographical and political area of the globe. As recently demonstrated by the compartmentalization of Arctic governance from other non-related geopolitical events (e.g. Ukraine-Russia crisis), states and non-governmental actors in the region have implicitly or explicitly expressed their common intention to preserve Arctic stability through multilateral soft-power governance efforts.

Intergovernmental cooperation under the auspices of the Arctic Council continues, as was the message from the ministerial meeting in April 2015 in Iqaluit (Iqaluit Declaration 2015). In addition, scientific cooperation in Arctic research is stronger than ever, as the ASSW 2015 and ICARP III in April 2015 in Toyama, Japan indicated (see Toyama Conference Statement 2015). The Arctic states and nations, including the Russian Federation and the USA, have too much at risk if they lose the high stability of the Arctic and the solid foundation for international cooperation that exists – put simply, a stable and cooperative Arctic is valuable for its states and peoples, especially in an era of globalization. The Arctic, not overtly plagued by conflicts, can be seen an exception in international politics, akin to the International Space Station. It might, as well as Iran after the nuclear deal, become a new metaphor for 'Exceptionalism', and be taken as an example of how to shape alternative premises of security and politics. Here, maintaining and further developing the interplay between science and politics ('trans-disciplinarity'), as well as the high profile role of scientists and scholars in policy shaping, can be seen as critical (Heininen 2015).

The Arctic in 2015

This past year has been a watershed for Arctic governance, although in ways much muted. Most notably, the International Maritime Organization (IMO) finally agreed to the parameters of a new, mandatory Polar Code for regulating shipping in polar waters, including safety and environmental aspects. This has been over two decades in the making, and is probably the most important new governance arrangement affecting the Arctic since the United Nations Convention on the Law of the Sea (UNCLOS) was signed in 1982.

Speaking of UNCLOS, the past year saw official submissions for extended continental shelf in the Arctic Ocean from both Kingdom of Denmark and Russia (Norway's claim was accepted by UNCLOS' Commission on the Limits of the Continental Shelf (CLCS) in 2009, Canada is preparing the Arctic portion of its claim, and the United States is still not a signatory to UNCLOS). While these events sparked headlines about who owns the North Pole, the real story is in the manner in which the Arctic states have chosen to follow a rules based, legal and scientific approach to make their claims to vast new swathes of territory, as was promised at Ilulissat in 2008 (i.e. a recognized extended continental shelf offers coastal states exclusive rights to extract the natural resources of the seabed and subsoil of the extended continental shelf beyond the Exclusive Economic Zone (EEZ) of an Arctic state).

Bolstering the case that the Arctic is insulated from the geopolitical tensions that affect Russian-Western relations elsewhere, the Arctic Five – the five states bordering the Central Arctic Ocean, including Canada, Denmark/Greenland, Norway, Russia and the United States – signed in July a pre-emptive ban on fishing in the Central Arctic's international waters until regulations are in place, applying the precautionary principle. Although applauded in political, media and environmental circles, Iceland's Ministry for Foreign Affairs took exception to the exclusive discussions and called in the Arctic Five Ambassadors in Reykjavik for a scolding. Who could have predicted a year ago that the most contentious event in Arctic politics in 2015 would feature Iceland, over a fishing moratorium where no fishing heretofore has taken place?

Adding to the environment of progressive Arctic cooperation in 2015 is the establishment of an Arctic Coast Guard Forum, to take place in New London, Connecticut as this issue of the *Arctic Yearbook* goes to press. The eight Arctic military Chiefs of Staff have previously met in an effort to promote confidence building in the region, but these meetings have been deferred since Russia invaded Crimea in March 2014. The launch of a new forum, appropriately involving the constabulary forces of the Arctic states who have much ground to cover in the vast Arctic Ocean and much benefit in doing so cooperatively, is welcome news for a variety of reasons.

Finally, 2015 saw the handover of the Arctic Council Chairmanship from Canada to the United States, in April in Iqaluit, Nunavut. Politically, the Canadian Chairmanship was difficult relative to its predecessors, and the American Chairmanship promises to generate new momentum and interest in the work of the Council. But it remains to be seen whether issues of human and sustainable development, which Canada pushed against significant resistance, will be granted the attention they deserve amidst the Obama Administration's single-minded association of the Arctic with climate change. This brings us finally to mention the COP21 meeting taking place in December 2015 in Paris where climate change impacts in the Arctic will be a dominating theme serving various interest groups. The final outcomes and results of this meeting remain to be seen.

The Arctic Yearbook 2015

Local, sub-national and national governance

The many scholarly articles and commentaries of this year's *Arctic Yearbook* address these and many other contemporary regional governance issues. Several articles address issues of practical governance

in the local and sub-national polities of the circumpolar north. Irina Barakaeva, Natalia Batugina, and Vladimir Gavrilov examine in significant detail the costs and challenges to importing fuel energy to the polar regions of Chukotka and Sakha, and the perhaps unintended consequences of devolving, or downloading, responsibilities from the Russian federal to regional governments of the Arctic. Energy security here has an entirely different meaning, and many local and sub-national governments be able to relate.

Leah Beveridge, Mélanie Fournier and Ronald Pelot share their visualization tool and concept to better engage and address the needs of the multiple marine stakeholders in the Canadian Arctic. This marks a progression to an era of addressing the practical challenges of using the Northwest Passage, a transition from when discussions and assessments were very hypothetical, or at best siloed.

Adrienne Davidson provides a much welcomed comparative review of self-government arrangements in the North American Arctic. The article provides insight into the ways that political and practical considerations result in different outcomes, and provides the reader with an appreciation of the significant and fascinating variations between even neighbouring self-governance models and institutions.

Erica Dingman examines how a particular nation-state, in this case the United States, implements Arctic Council environmental initiatives in practice. This is an eye-opening exercise that shows how Arctic Council recommendations are really only the very beginning of particular efforts, for example, to reduce black carbon or otherwise mitigate negative environmental effects. Once through the Arctic Council phase, states must negotiate through complex local and national particularities, challenges and barriers in order to make practical progress on these issues.

Marc Jacobsen illustrates the ways in which culture and collective identity are influencing Greenland's path towards a more autonomous foreign policy. Of particular interest to the editors was the way in which Greenland has variously adopted an identity as a traditional nation-state to justify its increasing assumptions of state-like responsibilities and rights, while simultaneously forwarding an indigenous identity in other legal fora to legitimise extraordinary rights, such as in whaling or sealing, which 'traditional' states are not privy to.

Thierry Rodon and Aude Therrien tackle the notable complexity of the resource development approval process in the Canadian Arctic, where a mixed vertical and horizontal multilevel governance framework has been criticized for balkanizing decision-making. Here, the often competing processes and mandates of the federal and territorial governments, land claims agreements, Impact and Benefit Agreements, and various boards and organizations tasked with making recommendations on natural resource development, are institutionally challenging. But efforts to simplify the regulatory process may result in reducing the level of control local peoples have only just begun to exert on the process.

Heidi Tiainen, Rauno Sairinen and Olga Sidorenko examine the efforts and challenges in promoting sustainable mining practices in Finland, Sweden, Greenland and Russia. Although the concept of sustainability has achieved near universal acceptance, what it comprises and requires in practice is still under debate and negotiation. The structures, institutions and cultures that exist across these northern polities have resulted in a wide variety of strategies. The comparative approach for assessing these

efforts proves very enlightening, and demonstrates the impact of the many contextual differences that exist across this Arctic region.

Finally, Gary Wilson and Jeff Kormos provide a case study of political change and self-determination in Chukotka, particularly in the decades since the Soviet Union collapsed. In addition to articulating the challenges and complexities that have affected the economic and political development of Chukotka's indigenous peoples, the authors provide a much welcomed and needed insight on the local northern governance in Russia, a neglected topic in much of the mainstream Arctic literature.

Arctic regional governance

Several articles address issues of contemporary concern in regional Arctic governance. Melina Kourantidou, Brooks Kaiser and Linda Fernandez examine the governance structures needed to address marine invasive species. So much of the environmental work occurring in the Arctic is understood only superficially. This articles provides insight into the complexity of the Arctic environmental changes and challenges being spurred by climate change, and the role and variety of existing legal and governance frameworks which future policies must leverage but also conform to.

Michal Luszczuk provides, perhaps for the first time, a comparative analysis of the many inter-parliamentary institutions active in the Arctic region, including the Conference of Arctic Parliamentarians, the Barents Parliamentary Conference, the Nordic Council and the West-Nordic Council. These institutions comprise an important but often overlooked segment of regional Arctic governance, and the article provides a timely evaluation of the histories and mandates of these varied institutions as they expand their level of engagement, and influence, in Arctic issues.

Cécile Pelaudeix examines the governance of offshore activities in the Arctic, and the attempts to address tensions between sustainable development and hydrocarbon exploration. The concept of multilevel governance is drawn on to tackle the overlapping competencies, jurisdiction and interactions that mark such offshore activities, and the fundamental differences in history, politics and culture are seen to play a huge role in how the sector is ultimately governed across the Arctic.

Focusing on a separate but equally timely issue, Rebecca Pincus examines the state of disaster response in the Arctic. SAR and shipping have featured prominently in recent Arctic regional governance arrangements, and the many unique challenges have been well identified. Pincus argues that the challenge of emergency response in the Arctic comprises a 'wicked' policy problem. The article provides much in the way of identifying scenarios that represent real and immediate policy challenges needing to be addressed.

Finally, Malgorzata Smieszek and Paula Kankaanpää examine the role of the Arctic Council Chairmanship, a much needed assessment in a sub-field that is generally overlooked and under studied. Drawing on Arctic Council documents, the article provides an overview of the formal responsibilities of the chair, the inevitability of domestic political influence on the role, and the challenges the structure has imposed on the work of the Arctic Council, such as shifting priorities and truncated work plans limited by a two year rotating schedule.

International and global governance

The Arctic Yearbook is a product of the UArctic and NRF joint Thematic Network on Geopolitics and Security, and so writings on the topic are of particular interest. The year 2015 certainly had its share of geopolitics, and the articles presented here reflect that.

Kristen Bartenstein deconstructs the oft-used concept of "commonality", the framing of the Arctic as somehow a common space. Whereas Arctic states may speak of working towards common goals with their Arctic neighbours, non-Arctic states often characterize the region as a global commons, to which everyone has rights and responsibilities. While the term is used in divergent ways, the author criticizes the fact that states are pushing narratives that position them to gain advantage on the Arctic "chessboard". As a legal construct, furthermore, the concept of the Arctic as a common heritage is found to be misleading and misguided.

Ieva Bērziņa provides an insightful comparison of the way different Russian actors frame Arctic political discourse. As might have been expected, but which has rarely been so carefully documented, there is very different messaging for domestic and foreign audiences. Western analysts would do well to appreciate such nuances, which no doubt apply to the rhetoric adopted by other Arctic states, most notably Canada under the Harper government.

Reid Lidow frames the Arctic as one political region among many, and assesses its behaviour and characteristic accordingly. Of particular usefulness in devising, if not a model, then analogue, for the Arctic Council and the region as whole, is ASEAN, the Association of South East Asian Nations, which may provide lessons for enhanced regional Arctic integration.

Ingrid Medby provides a case study on the construction of an Arctic state identity, drawing on the example of Norway. An ever larger number of actors have found it advantageous and desirable to identify as "Arctic" – see Barack Obama's GLACIER speech and visit to Alaska – with Arctic statehood in particular tied to political status, leverage, and legitimacy. The article demonstrates the very constructed and normative nature of the current focus and privileging of Arctic identities.

Jon Rahbek-Clemmensen explores the significant advances made in the past year on continental shelf claims in the Central Arctic Ocean, with both Denmark and Russia submitting theirs. The claims process is often articulated as a legal and scientific endeavor. The article reminds us that politics, indeed, are involved, and may prove a wild card going forward. However it seems likely that Canada, Denmark and Russia will continue to follow a peaceful and legal dispute settlement process, benefiting as it does all three of them.

Benjamin Schaller examines the current Arctic security environment, including the spillover from the Russian incursion into Ukraine. The article argues that the Arctic states should take additional steps to mitigate fallout from the crisis and its negative impacts on the Arctic, for example through confidence-building measures, ensuring that the Arctic role is not merely that of a sub-plot in European security, but rather a proving ground to restore peace and stability.

Commentaries and briefing notes

One of the more distinguishing features of the *Arctic Yearbook* is its platform for stakeholders, policy-influencers and experts to provide commentary and analysis on events and actors of particular

contemporary interest. This year we are pleased to provide comment on many of the year's most notable developments, from the growing importance of sub-national actors in Arctic politics, as told from the perspective of Yukon and Alaska; evaluations of some of the year's governance milestones, including the establishment of an Arctic Coast Guard Forum and the Arctic high seas fishing moratorium; analysis of some of the year's biggest events, from the Arctic Council Chairmanship and the Greenlandic elections to COP21 and GLACIER; as well as an overview of some of the contributions made in the field of Arctic social science, including the publication of AHDR II, the Arctic Futures Initiative, and several other notable conferences and gatherings. These and many more opinions and analyses have been curated on the issues and events which have sparked our collective interest over the past year.

Finally, we want to acknowledge the work and support of those who contribute to the *Arctic Yearbook* every year, including and especially Arctic Portal, who provides web hosting and design; our Editorial Board, including our new Chair, Lawson W. Brigham from the University of Alaska, Fairbanks; the University of the Arctic; and Arctic Circle. Thanks also to all the reviewers, many of whom have provided their services to *Arctic Yearbook* every Summer since our establishment; our authors; and U.S. Special Advisor on Arctic Science and Policy Fran Ulmer, who graciously accepted to contribute this year's preface.

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AY 2015 Year in Review

2014

October

31st – The second annual Arctic Circle event is held in Reykjavik, Iceland. The 2014 Arctic Yearbook is launched.

22nd-23rd – US announces its priorities for its Arctic Council Chairmanship 2015-17, at a Senior Arctic Officials meeting in Yellowknife. Its overarching theme is *One Arctic: Shared Opportunities, Challenges and Responsibilities.*

November

17th-21st – The International Maritime Organization (IMO) adopts the International Code for Ships Operating in Polar Waters (Polar Code), and related amendments to the International Convention for the Safety of Life at Sea (SOLAS) to make it mandatory.

25th - Canadian Auditor General Michael Ferguson releases his audit of the Nutrition North report, sparking debate on the best ways to address the high rates of food insecurity in the Canadian Arctic and beyond.

28th – Early general elections were held in Greenland following a spending scandal. A three party coalition government, led by Kim Kielsen, was formed consisting of the incumbent Siumut and Solidarity parties alongside the Democrats.

December

11th – The head of the Northern Sea Route Administration, Alexander Olszewski, announces that in the year to December 1, 2014, the volume of transit cargo through the Northern Sea Route fell by 77%, from 1.176 million tons in 2013 to 274,000 tons.

14th – Denmark provides a submission for its Arctic Ocean extended shelf to the UN Commission on the Limits of the Continental Shelf (CLCS), claiming just under 900,000km^2.

2015

January

2nd – Economic sanctions and other Russian economic woes materialize in a 30% drop in traffic, year over year, of Russian shoppers visiting the Norwegian town of Kirkenes to partake in Orthodox Christmas preparations, from 26,850 border crossings in December 2013 compared to 15,879 in December 2014.

February

20th – The Arctic Human Development Report II is published on the tenth anniversary of the first volume, with a theme of *Regional Processes and Global Linkages*.

27th – UK House of Lords Arctic Committee publish their report on *Responding to a Changing Arctic*.

March

16th-21st – Russia conducts a massive five day military exercise in its Arctic, involving 80,000 troops, 220 aircraft, 41 ships and 15 submarines.

April

12th – The Russian embassy of Canada announces that Russian Foreign Minister, Sergei Lavrov, would not attend the Arctic Council Ministerial in Iqaluit, due to prior commitments. Lavrov had attended every previous Arctic Council Ministerial since 2004.

23rd – 30th The *Arctic Science Summit Week 2015* and *International Conference for Arctic Research Planning*, (ICARP III) is held in Toyama, Japan. The conference statement "Integrating Arctic Research: A Roadmap for the Further" is released.

24th – The 9th Arctic Council Ministerial is held in Iqaluit, Canada. Key deliverables of the Canadian Chairmanship include an *Enhanced Framework of Black carbon and Methane Emissions*; a *Framework Plan for Cooperation on Prevention of Marine Oil Pollution*; and the establishment of an *Arctic Economic Council*.

2015

May

11th-15th – The International Maritime Organization (IMO) adopts the environmental part of the International Code for ships operating in polar waters (Polar Code) and associated MARPOL amendments to make the Code mandatory by the Marine Environment Protection Committee (MEPC).

21st – US Secretary of State John Kerry hosts a reception in the Benjamin Franklin Room at the Department of State to celebrate its Arctic Council Chairmanship.

31st-June 7th – The 2015 Calotte Academy travels to Rovaniemi, Inari and Salla in Finland, Apatity and Murmansk in Russia, and Kirkenes in Norway.

June

1st – Canadian High Arctic Research Station Act comes into force, establishing *Polar Knowledge Canada*, a new federal research organization that combines the mandate and functions of the former Canadian Polar Commission and the Canadian High Arctic Research Station program.

1st – Digital diplomacy meets the Arctic, as the five Nordic Ambassadors to the United States host a Twitter Town Hall under the hashtag #AskNordicAmbs to discuss the US Arctic Council Chairmanship themes of climate change, stewardship of the Arctic Ocean, and improving economic and living conditions in the Arctic.

12th – Policy Options for a Changing Arctic 2015 (POCA2015). The Northern Research Forum, in collaboration with the Interuniversity Research Center on the International Relations of Canada and Québec (CIRRICQ), co-organize a full day workshop on US Arctic Policy in Montréal, Québec, Canada. Admiral Robert J. Papp, the first US Special Representative for the Arctic takes part in the days' meeting and launches the State Department's Arctic Council Chairmanship on Canadian soil.

15th – "Kayaktivists" attempt to block Shell's drilling rig the Polar Pioneer from departing Seattle's Elliott Bay. The Polar Pioneer is one of two drilling vessels used by Shell in its 2015 Chukchi Sea drilling expedition.

2015

July

13th – Greenpeace and designer Vivienne Westwood launch a "Save the Arctic" celebrity campaign selling designer t-shirts for $115 to raise funds for the Amsterdam-based environmental organization.

16th – The five Arctic littoral states – Canada, Denmark, Norway, Russia and the United States, known as the Arctic 5, sign an agreement to combat unregulated fishing in the Arctic Ocean. It prevents fishermen from their countries from fishing in the international waters of the central Arctic Ocean. The Icelandic Ministry for Foreign Affairs subsequently called in the Arctic 5 Ambassadors to express its concern on being excluded from those negotiations.

21st – Inuvialuit sign a self-government agreement-in-principle with the governments of the Northwest Territories and Canada.

22nd – Shell receives final approval from the Obama Administration for exploratory drilling in the Chukchi Sea in 2015, after receiving preliminary approval in May.

31st – The European Union (EU) formally approves the Government of Nunavut as a Recognized Body under the Indigenous Communities Exemption of the EU Seal Regime, which means that the Government of Nunavut will be able to certify sealskins as having been harvested according to the rules of the exemption. The EU seal ban issue had previously been cited by Canada as the reason for their objection to EU Observer status at the Arctic Council.

31st – The Northwest Territory Métis Nation sign a land and resources agreement-in-principle with the governments of the Northwest Territories and Canada.

August

3rd – Russia provides a revised submission on its Arctic Ocean extended shelf to the UN Commission on the Limits of the Continental Shelf, claiming over 1.2 million km^2.

8th – House Bill 1, *Alaska's Arctic Policy*, legally went into effect August 8, 2015 under Alaska Statute 44.99.105.

13th – Ambassador Mark Brzezinski is appointed Executive Director of the US Government's Arctic Executive Steering Committee.

31st – GLACIER (Conference on Global Leadership in the Arctic: Cooperation, Innovation, Engagement and Resilience) is held in Anchorage with participation from US President Obama to build momentum for ambitious action at COP-21 (UNFCCC meeting on climate change in Paris, December 2015). Although taking place during the US Arctic Council Chairmanship, the event is not affiliated with that forum.

2015

September

2nd – The five Arctic coastal states agree to a ten year circumpolar action plan to protect and manage polar bears and their habitat.

11th – The Arctic Economic Council (AEC), founded in Iqaluit in September 2014, opens its Secretariat in Tromsø, Norway.

15th-17th – Fifth International Meeting of the Arctic Council Member States, Arctic Council Observer States and International Academic Community Representatives, organized under the auspices of the Russian Federation Security Council, takes place in Arkhangelsk, Russia.

25th – Book release: "The Barents Region – A Transnational History of Subarctic Northern Europe." Edited by Lars Elenius et al., this is the first common history book on the European North.

28th – Royal Dutch Shell announces that it will cease exploration in Arctic waters off Alaska's coast "for the foreseeable future." Shell had invested upward $7 billon on Arctic offshore development in the Chukchi and Beaufort seas over the last years.

October

1st – The European Council of the European Union adopted regulation that brings the EU ban on trade in seal products into compliance with World Trade Organization (WTO) rules.

28th (*expected date as of publication*) – The eight Arctic states send their heads of coast guard or equivalent official delegation to the US Coast Guard Academy in New London, Connecticut to officially launch the Arctic Coast Guard Forum (ACGF).

Section II

Scholarly Papers

Local, sub-national and national governance

State Support of Delivery of Fuel & Energy Resources to the Subarctic Zone of the Russian North-East:

A View & Recommendations

Irina Barakaeva, Natalia Batugina & Vladimir Gavrilov

Existing approaches of state support of fuel and power delivery to the Chukotka Autonomous Okrug and Polar regions of the Sakha Republic (Yakutia) are discussed in the article. Considerable attention is focused on remotely located regions of Yakutia which are in more difficult conditions and have special features of goods delivery. Complicated transportation-logistic schemes of fuels delivery, difference in the launch and completion of river and marine navigation, ice roads, thousand kilometer length of the routes lead to a significant increase of time and costs of goods delivery and thus to deterioration of its quality. Since 2003, subventions from the Fund of Financial Support for the Russia's Federal Subjects have not any longer been targeted. A general transfer is allocated by the federal budget subsidize Russian regions. Fiscal support of delivery of freights is carried out by means of transfer of subsidies from to the budget of the Sakha Republic and Chukotka as subsidy by an authorized operator of the governments, annually selected in bidding and performing goods delivery to the north. The advantages and disadvantages of the current system of fuel and power delivery to the Arctic regions of Yakutia and Chukotka are evaluated in the article. An effective way of strengthening energy safety in Yakutia and Chukotka and decreasing expenses is an arrangement of fuel mining locally to replace fuels transported from other regions.

Introduction

The Sub-Arctic zone of the Russian North-East encompasses the Chukotka Autonomous Okrug and Arctic regions of the Sakha Republic (Yakutia), and is characterized by extremely harsh climate, a low population density, substandard living conditions, underdeveloped economic and social sectors, and the total dependence of community sustainability on delivery of goods in summer (Figure 1).

These territories cover the least studied and underdeveloped eastern Arctic and Polar zones of Russia. The Sub-Arctic areas of Yakutia encompass 13 municipal districts, 5 of which are located within the

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Arctic zone, where the population of 70,000 people occupy 1.7 million km^2 (Fondahl et al. 2014). The total area of Chukotka makes 721.5 km^2 with a population of 50,500 people.

Figure 1: Arctic and Sub-Arctic areas of the Sakha Republic (Yakutia) and the Chukotka Autonomous Okrug

In the Soviet time, intensive development of the Russian North-East was related predominantly to geological survey, operation of mining enterprises, management of the North Sea Route, and combating state security issues. A reliable system of support of ahead of schedule delivery of goods to northern territories (Vasiliev et al. 2009; Pelyasov 2005) was established and operated.

Since 1989, in Yakutia and Chukotka, the number of permanent residents in the areas under study has decreased respectively by 2.1. and 3.1. (Table 1).

Table 1: Population of the Arctic regions of Yakutia and Chukotka

Administrative area (ulus)	**Population, persons, 1989.[1]**	**Population, persons, January 2014.[2]**	**Population in 2014, in % as compared with 1989.**	**Number of settlements**
13 Arctic areas, Sakha Republic (Yakutia)				
Abyyskiy	6097	4196	68.8	6
Allaikhovskiy	5218	2764	53.0	7
Anabarskiy	3903	3403	87.2	4
Bulunskiy	17,257	8507	49.3	13
Verhnekolymskiy	10,072	4317	42.9	6
Verkhoyanskiy	24,259	11,665	48.1	17
Zhiganskiy	5678	4245	74.8	5
Momskiy	5505	4237	77.0	7

Nizhnekolymskiy	13,692	4414	32.2	12
Olenekskiy	3993	3963	99.2	4
Srednekolymskiy	9441	7535	79.8	10
Ust-Yanskiy	41265	7359	17.8	11
Eveno-Bytantayskiy National [3]	0	2790		2
Total 13 Arctic areas	146,380	69,395	47.4	104
Chukotka Autonomous Okrug				
Anadirskiy	40,475	23,329	47.2*	16
Beringovskiy[4]	8968			
Bilibinskiy	27,847	7855	28.2	10
Iultinskiy	15689	5197	16.5**	10
Providenskiy	9778	3771	38.6	6
Chaunskiy	32,167	5800	18.0	12
Chukotskiy (rural population)	6878	4603	66.9	6
Shmidtovskiy[5]	15,726			
Total Chukotka Autonomous Okrug	157,528	50,555	32.1	60

In Yakutia, a marked population decline is evidenced in the areas of incessant industrial development in the Ust-Yanskiy region – by 5.6 times; in the Nizhnekolmskiy region – by 3.1; and in the Bulunskiy region – by 2.1. In regions with traditional economies, the population decline was less evident: in the Abyyskiy region – by 1.5; in the Anabarskiy, Zhiganskiy, Momskiy, and Srednekolymskiy regions – by 1.1-1.3; while the population density in the Olenekskiy region was not subject to a change. In Chukotka's Anadirskiy (by 2.1) and Chukotskiy regions (by 1.5) a less marked population decline was evidenced. The population in the Bilibinskiy, Iultinskiy, and Chaunskiy regions declined by 3.5 - 6.0 times.

Similar dynamics resulted from a shift in Russian state policy towards the Arctic by the end of the 20th century and a significant reduction of mining production in northern Yakutia (Table 2) and Chukotka, as well as the deterioration of other subsidiary sectors.

Table 2: Production volumes in the Arctic areas, Sakha Republic (Yakutia)

Mineral / year	**1995**	**2000**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**	**2011**	**2012**	**2013**	**2014**
Diamonds												
Joint stock company "Almazy Anabara"[6]												
Diamond production, thousand carats	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2534	2408	2521	3059

Production cost millions USD	N/A	N/A	N/A	N/A	N/A	N/A	157.7	136.3	175.4	153.1	N/A	N/A
Joint stock company "Nizhne-Lenskoe"[7]												
Diamond production, thousand carats	N/A	N/A	984	1297	1301	1372	1351	1253	1508	1521	2010	1818
Production cost million USD	N/A	N/A	81.53	97.1	90.8	92.94	100.9	86.4	116.9	110	132.9	
Gold, kg[8]	2242	956.5	614	2152	594	785.4	593	642	432	482	415	446
Inclusive the Ust-Yanskiy region	1137	491.8	6	1350	22.0	26.6	35.3	29.0	2.0	24.0	15.0	43.0
The Verkhoyanskiy region	1105	327.8	262	308.0	316.0	323.2	224.1	310.0	130	106.0	123.0	137.0
The Momskiy region		60.0	96	107.0	118.0	217.8	153.4	149.0	141	176.0	125.0	133.0
The Nizhnekolymskiy region		8.9	154	280.0	20.0	0.0	26.8	5.0	0	0.0	27.0	
The Verkhnekolymskiy region		8.0	0	0.0	0.0	0.0	0.0	0.0	0	0.0	0.0	0.0
Tin, ton (the Ust-Yanskiy region)[8]	3707	2569	1957	2001	674	187	No production					
Coal, thous. ton (the Verkhnekolymskiy region)[8]	N/A	279	182	123	152	150	195	172	243	200	171	160

Currently, management and governance of settlements in the polar areas of Yakutia and Chukotka are predominantly oriented towards social needs of the communities (Vasiliev et al. 2009). These remote Arctic settlements have no industry and are generally used as terminals for supply of sparse mining enterprises, transportation of their production and personnel (Huskey 2011). The production and infrastructure are bound to diamond, gold and other mineral industries (Fondahl et al. 2014), and labor force is attracted in a shift work arrangement.

Rearrangement of the Russian economy resulted in changes of approaches towards its Arctic territories development, notably the eastern regions. In the 1990s, the operating system of delivery of goods to northern territories collapsed resulting from misunderstanding of the role of the Arctic and the prospects of its development in the framework of the country's economy and the demolition of

branch-wise and departmental principles of management and governance (Pelyasov 2005; Vitjazeva & Kotyrlo 2007; Vasiliev et al. 2009).

In 1991, the State Committee for Affairs of the North (Goskomsever), Russian Federation, was established as a federal body responsible for northern policy, its characteristic feature being a territorial (horizontal), non branch-wise principle of management (Vitjazeva & Kotyrlo 2007). In 2000, the Committee was eliminated, and its functions were transferred to the Ministry for Regional Development (Russia) and Ministry for Economic Development and Trade (Russia). According to some Russian economists (Pelyasov 2005; Vitjazeva & Kotyrlo 2007), the Commission liquidation was a mistake. The northern territories and the Arctic region are autonomous in state governance due to complicated and diverse problems to be solved under special conditions.

Delivery of fuels to Arctic regions of the Sakha Republic (Yakutia) and Chukotka Autonomous Okrug

Transportation-logistic schemes for delivery of fuels as a large share in the total volume of delivered goods, in terms of quantity and finance, to the northern regions under study are complicated, as the launch and conclusion of river and marine navigation and the operation of winter roads differ in timespans, with resultant delivery risks (Huskey et al. 2014; Vasiliev et al. 2009; Stephenson et al. 2014).

The extent of fuel and energy delivery routes is measured in the hundreds and thousands of kilometers, while annually delivered volumes of goods to each community are generally small, sometimes composing only a few tons for small settlements.

The Sakha Republic (Yakutia)

Oil, gas condensate, oil products (diesel fuel, petrol, and aviation kerosene), and coal produced either in the republic or in other Russian regions, are delivered to the Arctic regions for production of electric and thermal power, supply of facilities, and transport fuel.

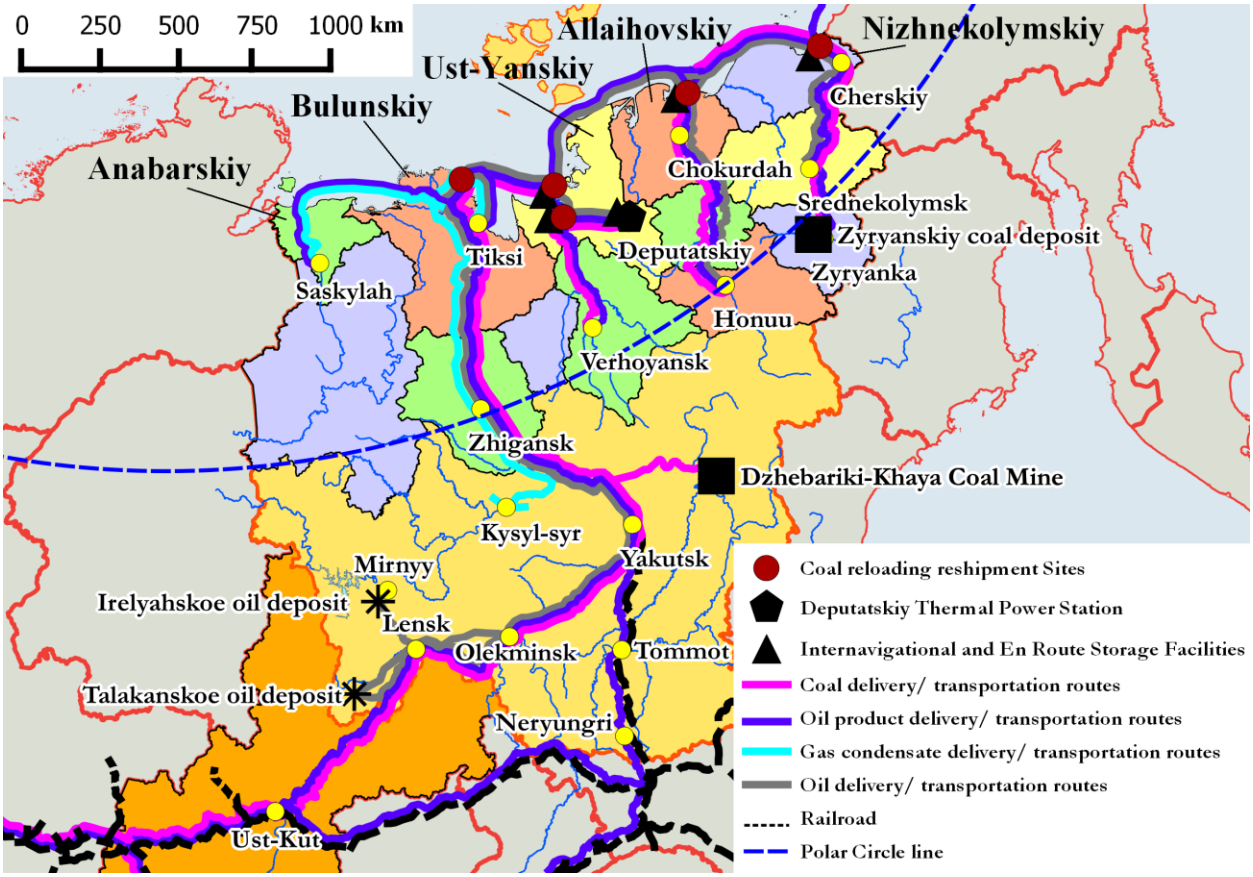
Required fuel and energy resources come from various areas. Oil products are delivered from plants via railroad to the town of Ust-Kut located on the Lena River in the Irkutskiy Oblast, where they are subsequently loaded on to vessels and transported down the river. With the construction of the railroad on the right bank of the Lena in the vicinity of Yakutsk (a settlement of Nizhniy-Bestyakh) and a large-scale reconstruction of the highway in South Yakutia–Yakutsk, new schemes for goods delivery have been elaborated to facilitate a significant decrease in the risks relating to shallow waters in the upper reaches of the Lena in the shipping season.

Oil and gas condensate are transported from deposits located in West Yakutia via pipelines to river ports and are then loaded onto river vessels. Coal is delivered from the Dzhebariki-Khaya mine through the Aldan and Lena rivers and from the Zyryanskiy mine on the Kolyma River (Figure 2).

Motor vessels with goods (fuel energy and coal) for northern territories go down to the Lena estuary and the Kolyma River. If necessary, the goods are shipped on to river boats and seagoing vessels, and take the sea route for estuaries of the Anabar, Yana, Indigirka, and Kolyma rivers, where they are transshipped aboard shallow-draught crafts.

Correspondingly, delivery schemes are formed with respect to the navigation seasons and terms of operation of winter roads used for transportation of goods to remote communities located far from rivers and seashore.

Figure 2: Major routes of fuel and energy resource delivery to regions of the Sakha Republic (Yakutia).



In 2014, thousands of tons of product were shipped to meet the needs of housing and communal services, including coal from the Dzhebariki-Khaya deposit (128 tons), from the Zyryanskiy coal deposit (70.6 tons), and from the Arkagalynskiy deposit (1.78 tons) in the Magadanskiy oblast, as well as 41 thousand tons of oil, 10.9 thousand tons of gas condensate, and 2.4 thousand tons of diesel fuel. In addition, to supply the joint stock company Sakha energo (the Deputatskiy thermal power station), 37 thousand tons of coal and 59.1 thousand tons of oil products were delivered by the Russian joint stock company SUEK (Government of the Sakha Republic (Yakutia) 2014).

Currently, subventions to the Russian Federation regions are no longer target-oriented. Subsidies from the federal budget to the regions are part of an aggregate transfer, without specification of purpose or sectors of application. The only objective is a guarantee of balanced state payments to regions with a budget deficit, regardless of their geographical location and long-term product delivery.

In 2011-2014, expenditures on fuel delivery and storage in the 13 Arctic regions of the Sakha Republic rose by a factor of 1.5 and reached 4 billion rubles per year (Table 3). The most marked increase in

expenditures is obvious in the Anabarskiy (1.6 times), Verkhoyanskiy (2 times), and Eveno-Bytantaiskiy regions (2.7 times), mostly due to increased costs of coal and crude oil delivery.

Table 3: Fuel costs (current market price and the costs for transporting and storage fuel to the community) according to Arctic regions of the Sakha Republic (Yakutia), (thousand rubles).

Arctic areas, Sakha Republic (Yakutia)	**2011**	**2012**	**2013**	**2014**
Abyyskiy	169,665.1	187,364.5	242,069.8	250,329.9
Verhnekolymskiy	66,490.5	66,742.7	76,224.5	87,308.7
Momskiy	241,331.1	249,288.7	310,519.3	357,324.3
Srednekolymskiy	199,053.2	203,700.5	247,738.5	271,869.9
Eveno-Bytantayskiy National	57,453.7	67,938.9	83,400.6	157,694.9
Allaikhovskiy	161,865.2	164,432.8	231,095.9131	223,654.3
Anabarskiy	111,070.1	119,745.1	187,327.7	181,009.2
Bulunskiy	356,774.2	365,730.2	443,009.5	492,973.8
Verkhoyanskiy	404,211.2	451,970.8	589,274.2	833,730.4
Zhiganskiy	96,034.6	101,031.7	65,726.1	88,125
Nizhnekolymskiy	207,634.3	210,447.6	275,078.1	258,638.8
Oleneksky	160,223.1	183,390.1	211,391.2	232,145.2
Ust-Yanskiy	398,337.1	475,375.8	625,655.4	606,764.8
Total	**2,630,143**	**2,847,159**	**3,588,510**	**4,041,569**

Source: Data of the State Committee for Pricing Policy – the Regional Power Commission, Sakha Republic (Yakutia).

The situation varies from region to region: in the Ust-Yanskiy region, a share of shipped coal for housing and utilities services is 90%, in the Nizhnekolymskiy region it is 28.4%, while in the remainder a share of liquid fuel ranges between 90-100%.

Table 4: Fuel costs over Arctic regions of the Sakha Republic (Yakutia) (thousands of rubles).

Fuel	**2011**	**2012**	**2013**	**2014**
Coal	902,434.2	990,359.7	1,380,552	1,765,780
Crude oil	1,028,624	1,100,543	1,457,008	1,548,331
Gas condensate	412,296.9	463,615.9	424,916.1	455,962.4
Diesel fuel (the needs of housing and communal services)	253,454.9	250,281.3	250,721.7	246,768.9
Woods	33,333	17,968.1	33,130.3	24,726.1
Total	**2,630,143**	**2,847,159**	**3,558,510**	**4,041,569**

Source: data of the State Committee for Pricing Policy – the Regional Power Commission, Sakha Republic (Yakutia).

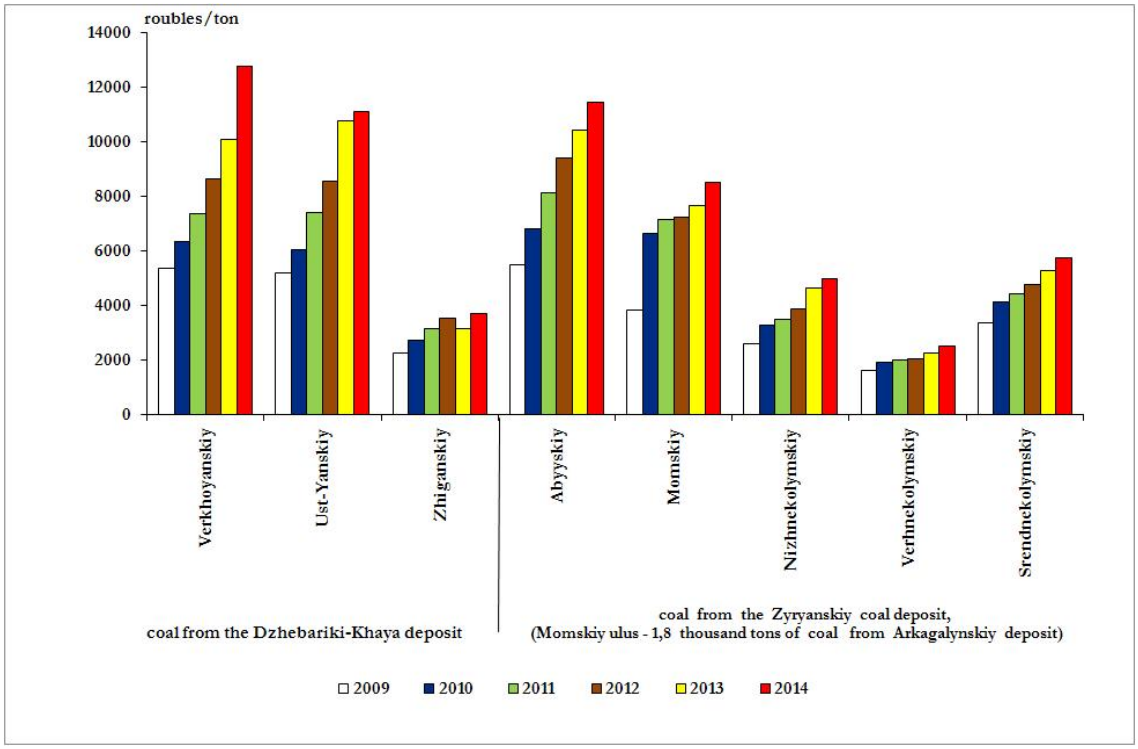
Storage and distribution costs of major fuels increased by 2 times for coal and by 1.5 times for oil over the four-year period, while the share of coal in the structure of fuels expenditures has increased from 34% in 2011 to 43% in 2014, as the share of oil has not changed (Table 4).

According to the data of the Sakha Republic Regional Power Commission, the share of coal itself in the structure of its prime cost for consumers in remote regions composes only 15-20% for the Abyiskiy, Momskiy, Ust-Yanskiy, and Verkhoyanskiy regions, and 37-50% for other Arctic areas - the Zhiganskiy, Nizhnekolymskiy, Srednekolymskiy, and Verkhnekolymskiy regions.

In 2014, according to data available from the Regional Economy Commission, State Committee for Price, Republic of Sakha (Yakutia), the cost of fuel oil including delivery to regions ranges, for coal, from 5 thousand rubles per ton (to the Niznekolymskiy region) to 11 thousand rubles per ton (to the Ust-Yanskiy region), which exceeds world prices by 2-3 times (Figure 3); for oil, from 20,600 rubles per ton (to the Bulunskiy region) to 22,600-23,400 rubles per ton (to the Allaikhovskiy and Nizhnelenskiy regions); and for gas condensate 23,700 rubles per ton (to the Anabarskiy region) to 24,300 rubles per ton (to the Bulunskiy region).

The recent large price rises for gas condensate in Yakutia resulted in costs significantly exceeding the cost of oil produced in the republic, leading in 2013 to the Allaikhovskiy region's refusal of gas condensate deliveries and a transfer to oil. Such transitions, however, usually requiring additional investments into the re-equipment and renovation of boilers.

Figure 3: Cost of coal in view of transportation and storage in Arctic regions of Yakutia, rubles/ton



Source: Data of the Regional Economy Commission, State Committee for Price, Republic of Sakha (Yakutia)

We will now look at coal delivery to Yakutia's Arctic regions from the Dzhebariki-Khaya and Zyryanskiy mines, which supply consumers living in the lower reaches of the Lena, and the basins of the Yana, Kolyma, and Indigirka rivers. The special feature of these delivery schemes is the availability of en-route storage facilities.

Part of the delivery of coal to consumers on the Yana and Indigirka rivers, where annually navigable depths meet their upper reaches for an average of only a month's time, is stored in the river estuaries due to a non-concurrency in the river and marine navigation seasons. Coal may be stored in various storage facilities and river estuaries as required by operational and hydrological situations.

Located in the Yana basin are the Ust-Yanskiy, Verkhoyanskiy, and Even-Bytantaiskiy regions (uluses). Delivery of fuels via vessels (Figure 4) is performed with 2-3 or more transshipments and en route storage, in some cases in the second navigation year. Coal is shipped by water for most of the route from deposits to the settlements of Nizhneyansk (Figure 5), Ust-Kuiga (Figure 6), Saidyy, and Batagai.

Volumes of coal delivery to these destinations depend on the hydrological conditions on the Yana and the quality of operation and logistics management. The coal is delivered to end-point consumers by motor-vehicle transport via winter roads (Figure 7). Any planned volumes of coal from the previous navigation season which haven't yet been shipped by water are also transported by winter roads with an operation period of around 3.5-4.5 months.

Figure 4: Coal shipment by river (Figure 4-7 Photos by V. Zaharova, V. Gavrilova)

Figure 5: Transshipment coal storage unit (Nizhneyanskiy)

Figure 6: Coal storage unit (Ust-Kuiga)

Figure 7: Coal loading on to motor-vehicles (Ust-Kuiga)

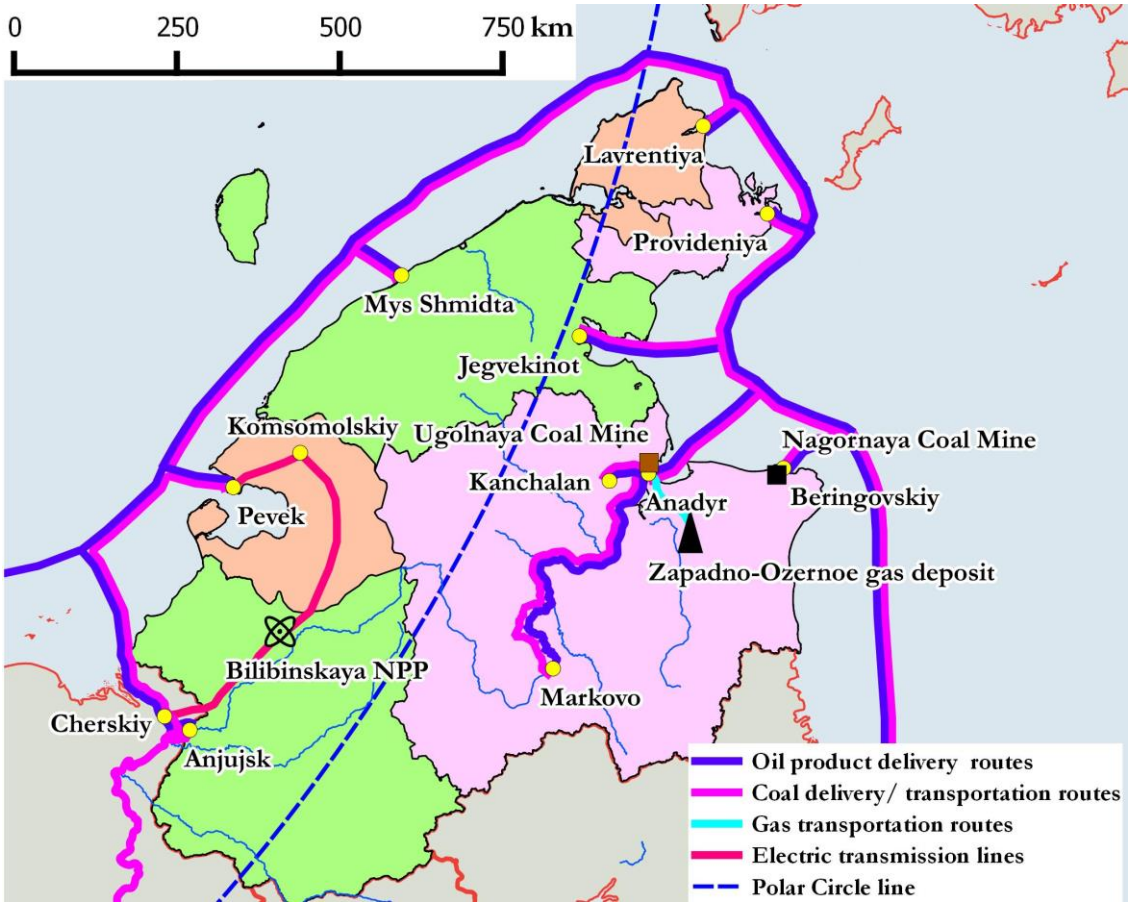
The delivery period for a particular volume of coal can range from 3-4 to 30 months, with 3-4 transshipments. Such a transportation scheme, even absent technological difficulties, implies huge losses in terms of quality and quantity (Zaharov 2013). The total length of the coal transportation route produced by Yakutia's enterprises for remote consumers can reach 2700–2900 kilometers. The distance multiplies for oil product suppliers from other Russian regions.

The Chukotka Autonomous Okrug

The Chukotka Autonomous Okrug utilizes gas produced in small quantities (25.4 million m^3, 2014) in the Zapadno-Ozerny deposit (100 km south to Anadyr) for NGV stations; black and brown coal from the Nagornaya (202,000 tons) and Ugolnaya (233,500 tons) deposits and black coal transported from the Zyryanskiy open-pit mine and Sakhalin (>110,000 tons); and oil products (in 2014, 106,400 tons of diesel fuel; 24,400 tons of jet fuel; 5500 tons of petrol) supplied from Russian plants via Russian Far East ports and the Northern Sea Route from Murmansk. Moreover, a nuclear power station operates in Bilibino connected to the Chaunsky thermal power station by electric transmission lines.

Fuels are delivered to storage facilities mostly via marine transport to five major ports (Figure 9).

Figure 9: Major fuels delivery routes to the Chukotka Autonomous Okrug.



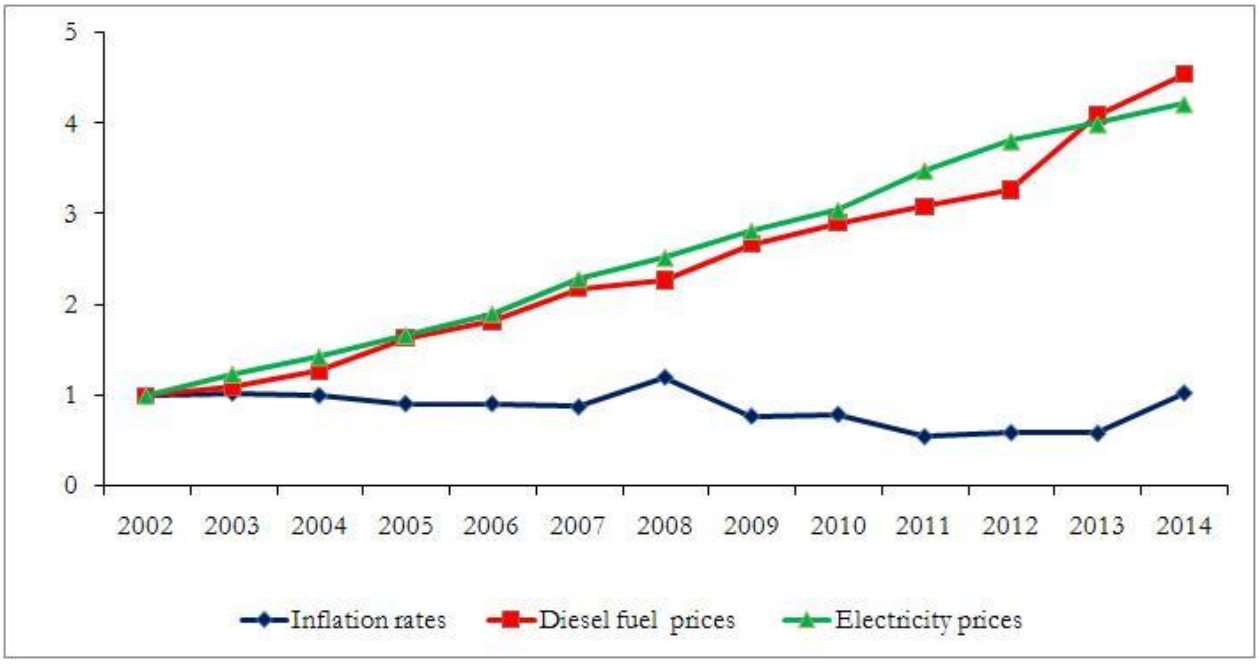
Fuel is shipped in small tonnage vessels by sea and navigable rivers to the settlements. In cold seasons, winter roads are operable for the delivery of goods to remote and difficult to access locations.

In northern Yakutia and Chukotka, waterway and highway networks are not reliable for supplying consumers and enterprises with fuels given the settlement and productive force pattern now in place. In recent years, shallow waters in navigable sections of rivers have added to the complexity of the long-standing issue of northern delivery. In 2013, for example, this resulted in a delivery failure to the Indigirka and sudden freezing of winter roads to deliver fuels by more expensive motor transport, and even usage of a military helicopter to transport diesel fuel, to a small remote village. The updating of the delivery scheme led to additional expenses totaling up to 900 million rubles financed from the regional budget. In addition, the forced outage of vessels was estimated at 900 million rubles (Tajurskij 2013). The high risks of delayed goods delivery in the required volumes will continue given the existing levels of transport infrastructure development. In the short- and medium-term, a significant rise in energy consumption is unlikely.

During the past decade, a decrease in the efficiency of fuels transportation and usage has been evident. Delivery and consumption of oil, gas condensate, natural gas, and oil products are increasing alongside a reduction in coal mining, including those coals extracted from the Arctic zone.

In 2002-2014, costs of diesel fuel increased by almost 5 times (from 11 to 50 rubles per liter), and that of electric power by 4 (from 1.05 to 4.43 rubles per kW/hr) (Figure 10).

Figure 10: Fuel price movement in the Sakha Republic (Yakutia), 2002.



Source: data of the Russian Statistics and the Regional Economy Commission, State Committee for Price, Republic of Sakha (Yakutia), various years.

Rates of diesel fuel and electricity price increases were higher than inflation rates, which averaged 8-11% annually and in 2014 reached its peak at 16%. In 2014, fuel expenditures cost 1.2 billion rubles.

Comparison of delivery mechanism for fuels in Alaska and Chukotka

The Chukotka Autonomous Okrug is relatively similar to Alaska (USA) in terms of fuel delivery conditions. Similar to Chukotka, Alaska is characterized by a poorly developed transportation network, as compared with other American states.

However, there are significant varieties in organization of fuel delivery in both the regions. The characteristic feature of the transportation system in Chukotka is a total lack of railroads and pipelines.

Major cargo transportation over Chukotka is performed via marine, air, and motor transport, while in Alaska, southwards from the Arctic zone borderline, the Alaska Railroad is in place (760 km). Although the railroad runs within the state limits and has no access from outside the region, its mere existence significantly simplifies cargo transportation to nearby settlements.

In Chukotka, the network of roads accessible all year round was constructed only in 2011-2012. Their total length makes 4500 km, including 568 km long dirt roads, 1300 km long winter roads with prolonged terms of exploitation, and 2700 km long winter roads (Voroncova 2015). In Alaska, the network of motor roads with concrete surface covers the central and southern parts of the state, the roads' total length being about 20,000 km.

Northern areas of Chukotka are accessible for less than 3 months. Limited terms of goods delivery to these areas are due to severe climatic conditions. Waters in the region are navigable for about 3 months, and ice breaker steering is required to deliver goods for the rest of the year, which significantly increases expenditures.

Southern areas of Chukotka depend on marine navigation for 3-6 months, as goods delivery is performed predominantly via the sea route (Vasiliev et al. 2009).

By contrast, ice-free coastal areas of Alaska where big cities and settlements are located are open to goods delivery all the year round. The so-called "northern delivery" is performed only for settlements located in Central and Western Alaska (Szymoniak et al. 2010).

Most of the rural settlements in western Alaska and northern Chukotka are road-less and are not interconnected. As such, fuel delivery to some rural settlements is performed by air. Coal and oil products in Chukotka and diesel fuel in Alaska form the backbone of fuel delivery.

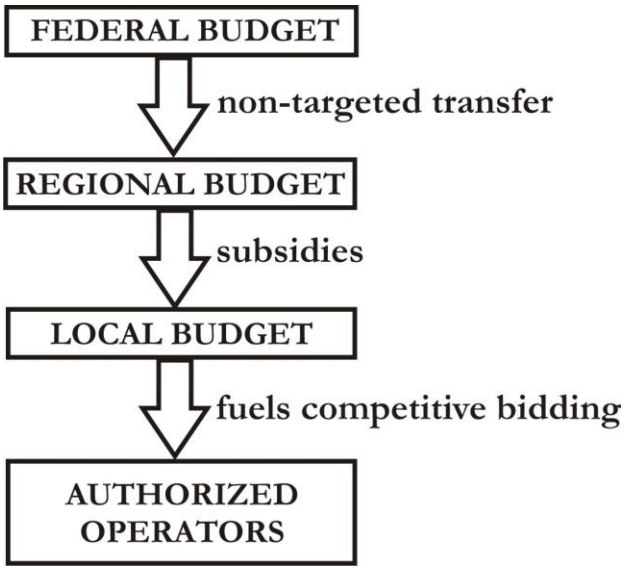
State regulation of long term product delivery in Sakha Republic (Yakutia)

Financing schemes for goods delivery to the north comprise one of the most complicated areas of finance (Gritsevich 2008). The system of state support of fuel delivery has undergone several changes in its long history. Under a centralized planning framework, the purchase and delivery of goods was performed by assigned enterprises, financed from the state budget.

However the state financing of pre-scheduled delivery of goods was terminated as an article of budget expenditures in 2003, and subventions from the Fund for Finance Support of Russian Federation Subjects ceased to be purpose-oriented.

A general transfer is allocated by the federal budget to subsidize Russian regions. Financial guarantees for the pre-scheduled delivery of goods are now conducted through a fund transfer from the budgets of the Sakha Republic and Chukotka as a subsidy to authorized operators, who are selected annually in a bidding process and then perform the goods delivery to the north (Figure 11).

Figure 11: Financing scheme of pre-scheduled fuel deliveries



In Yakutia, the criterion for defining settlements as Arctic and northern is an inaccessibility by transport for more than 180 days a year (State Assembly (Il Tumen) of the Sakha Republic (Yakutia) 2004).

All operations connected with state involvement in northern delivery, referring to fuel purchase, delivery, transshipment, and storage, are performed through competitive bidding. According to statutory regulations on the placement of orders for goods and services to meet state and municipal needs, all purchases by states are made through open-bid auctions. The bidding for goods delivery is an open procedure intended to select a production supplier and to define the prices of the agreements. The multi-link and complicated conditions of delivery have been responsible for a significant fuel price increase for consumers.

Today's structure of pre-scheduled fuel delivery implies a shared responsibility for various stages of delivery among federal (timely financing), regional (purpose-oriented draft of funds, timely and full supply of northern communities with fuel), and local (fuel supply for housing and communal services) state bodies.

Thus, the redistribution of responsibility and financing from the federal level (the Ministry for Economic Development) to the regional and municipal levels is evident. The major source of financing of pre-scheduled goods delivery is now the regional budget, while a right for guaranteed prices is granted to

enterprises, including profit-making organizations of housing and communal system, thus complicating control over consumer choice and price formation by state authorities.

Currently, no systematized approach towards pre-scheduled goods delivery management in the region under study has been elaborated. No unified regulatory legal act of the Russian Federation to define the order of legal regulation of subjects, sources of finance, rights and obligations of the parties of agreements on goods delivery, or division of responsibility between different government bodies and levels are currently in place.

Information on the fuel prices considered in the formation of electric and thermal energy rates for each year supplied to enterprises of the Chukotka Autonomous Okrug is provided by the State Committee for Price and Tariff Regulation, and by the State Committee for Price Making Policy, Regional Energy Commission Sakha Republic, in the Sakha Republic (Yakutia).

Measures on improvement of pre-schedule fuel and power resources delivery

The data here and above allows us to summarize the pros and cons of the existing system of pre-scheduled delivery of fuels to the polar regions of Yakutia and Chukotka (Table 5).

Table 5: Pros and cons of the existing system of pre-scheduled delivery of fuel and power resources to the polar regions of Yakutia and Chukotka.

Pros	**Cons**
Unified system of delivery of different types of fuel and power resources	Need for usage of multiphased transportation and logistics scheme
	Long period of fuels delivery to ultimate consumers
Strictly centralized transport and financial support for fuels delivery	High delivery expenses; 2-3 times higher than the cost of fuel and power resources
State support for pre-schedule delivery of fuel and power resources including payments to suppliers, transport and energy companies	Multiple re-loading and inter seasonal storage of fuel and power resources in en route storage facilities
	Huge losses of resources in terms of quality and volumes along the technological chain "fuels producer - consumer "
State control over delivery and consumption of fuel and power resources	Exceptional dependency on petroleum products supply from outside the regions
	Necessity for storage of large reserves of petroleum products
Large suppliers and consumers of fuel and power resources capable of organizing relatively efficient delivery and fuel resources usage (Joint Stock companies "Sakhaneftegazsbyt" and "Yakutskenergo", State Unitary Enterprise "Chukotkasnab", etc.)	Insufficient levels of usage of local energy sources, notably, coal
Competitive selection of suppliers of fuels and transportation companies	Lack of standardized boiler equipment and noncompliance with fuel types
State and regional programs on support of pre-schedule delivery and consumption of fuel and power resources and regular up-grading of such programs	Low energy efficiency of fuel usage
	Social and economic inequality of population in various regions with similar climatic conditions

The analysis of pros and cons allows us to formulate recommendations aimed at the improvement of mechanisms of goods delivery to the northern territories.

For improvement of fuels delivery to remote areas of Yakutia and Chukotka, it is necessary to not focus on an efficiency estimation of the separate stages of production, purchase, storage, and delivery. Rather, it is advisable to analyze the whole system of providing the region with fuel and power resources. Here, volumes of fuel and power resources consumed and paid for by the ultimate consumers should be used as a criterion in comparison of existing and proposed options of delivery.

Currently, the economic efficiency of pre-scheduled goods delivery is due exclusively to the savings from separately calculated expenses on the purchase and delivery of fuels, and is owing to an absence of the necessary financial efficacy (Vasiliev et al. 2009).

It is worthwhile to note here the issues related to the prospective re-settlement of the population from remote and difficult to access Arctic areas to places with more favorable climatic and transportation conditions. In spite of the expected economic efficiency of resettlement, we should take into consideration the required solutions of various social problems, which may require a long period of time. It is also obvious that the financial expenditures for resettlement will exceed the annual expenses on maintenance of communities, which will result in delayed economic benefits (Gritsevich 2008).

An effective way of strengthening the energy security of Yakutia and Chukotka and decreasing expenses would be the arrangement of local fuel production to replace fuels transported from other regions. As proposed in the Strategy of Russian Arctic Development, an optimization of the economical mechanisms of goods delivery to the north is required, predominantly "using local energy sources and energy-saving technologies, as well as upgrading power facilities" (Putin 2013). However, profit maximization should not necessarily be the main goal for companies already mining or planning to mine in the Arctic zone. Feasibility and needs for companies oriented towards population welfare, rather than commercial interests, is predetermined by increased energy requirements for safety, the creation of new jobs etc.

Coal mining in the Arctic is hardly possible without the participation of the state, as coal production projects are characterized by high capital intensity, long-term pay-back periods, and significant investment requirements.

However, no federal incentives are currently offered to utilize local coals in the Arctic regions of Sakha in substitution of delivered fuels. Recently, the proportion of regional and local budgets taken up by the supply of energy to municipal entities has been shown to be rising.

Special preferences at the federal level for coal production enterprises that mine or plan to mine in the Arctic region would be feasible, including fixed tax rates at 0% for mineral production; and an exemption from income, private property, company property, and transport taxes. In addition, simplified procedures for outgoing and licensing document execution for field development are required.

State guarantees for credits granted to Russian enterprises for the implementation of investment projects, technical equipment upgrading, etc., and subsidies to cover part of their expenses on interest rate discharge are also required at the regional and municipal levels.

For a number of regions in Yakutia and Chukotka, the transportation costs exceed the costs of one ton of delivered fuel so substantially that the development of local deposits near the key points of consumption would significantly increase the energy security of the local population and decrease regional budget expenses.

Development of local coal deposits by small scale and very small opencast mining producers should be conducted with the active participation of regional authorities. Coal prices should be fixed at such a level that they would allow mining companies to operate normally with low economic risks and to be able not only to cover operating and capital costs connected with exploration, but also to achieve the profits necessary for mining. Currently however, the state refuses to use mechanisms of direct and indirect pressure, thus equating small-size and very small coal opencasts to typical enterprises in European Russia.

Our calculations reveal the potential for a three-fold coal price decrease, compared to the price of coal delivered externally, if local coal deposits were developed on the Indigikra river in the Abyskiy region (rayon). Even if the price of coal from newly developed coal mines which are close to the consuming communities was equal to the price of transported fuels (11-12,000 rubles per ton for the Ust-Yanskiy and Abyiskiy regions), energy security issues should demand significant improvements in the transportation schemes in the Arctic. Such an approach furthermore conforms with market economy principles.

Conclusions

This article has addressed mechanisms of state support for fuel and power delivery to the Chukotka Autonomous Okrug and polar regions of the Sakha Republic (Yakutia). The focus has been on the difficulty to access areas of those territories, which experience harsh climatic conditions and specific difficulties in goods delivery.

Complicated transportation schemes of fuels delivery, differences in the launch and completion of river and marine navigations, and operation of winter roads lead to a significant increase of time and costs of goods delivery and thus to the deterioration of its quality.

Annually, hundreds of millions of rubles are allocated from the federal, regional and municipal budgets for these expensive goods delivery procedures. Transportation expenditures account for 70-75% of the cost of fuel for consumers in the Arctic.

The system of state support of fuels delivery has undergone many changes in its long history. During the centrally planned economy, the purchase and delivery of goods was performed by specialized organizations and were financed from the Russian state budget. Since 2003, however, subventions from the Fund of Financial Support for Russia's Federal Subjects have no longer been purpose-oriented.

Given the redistribution of responsibilities among federal, regional, and municipal authorities, the maintenance of state control over a feasible choice of suppliers and price-formation has become much more difficult. Organizational and economic mechanisms of interaction and division of powers among federal, regional, and municipal authorities, and business entities participating in goods delivery, have not been regulated yet. As such, no system of organization for pre-scheduled goods delivery in Chukotka and Yakutia has been elaborated.

The potential for improvement of the economic mechanisms of pre-scheduled fuels delivery, predominantly through the establishment of local production of petroleum products to replace fuel types delivered from other Russian regions, has been demonstrated.

The survey and recommendations given in the article confirm the significance of the theme of the study.

Acknowledgments

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Notes

1. See http://demoscope.ru/weekly/ssp/rus89_reg1.php.
2. See http://www.gks.ru/free_doc/doc_2014/bul_dr/mun_obr2014.rar.
3. By the Decree of the Presidium of the Supreme Soviet, Yakut Autonomous Soviet Socialist Republic, April 21, 1989, the Eveno-Bytantaysky National Ulus (Rayon) was split out of the Verzhoyanskiy region (rayon).
4. By the Law of the Chukotka Automonous Okrug #44-03, May 26, 2011, the Beringovskiy region (rayon) was liquidated as an administrative and territorial entity and was joined to the Anadyrskiy region (rayon).
5. By the Law of the Chukotka Automonous Okrug #44-03, May 26, 2011, the Shmidtovsky region (rayon) was liquidated as an administrative and territorial entity and was joined to the Iultinskiy region (rayon).
6. Reports of the Joint Stock Companies "Nizhne-Lenskoe" and "ALROSA" (http://alanab.ykt.ru, www.alrosa.ru).
7. Reports of the Joint Stock Company "Nizhne-Lenskoe" (http://nlykt.ru).
8. Data of the Ministry for Industrial Development of the Sakha Republic (Yakutia).

9. Annual reports of the Joint Stock Company "Yakutskenergo". http://yakutskenergo.ru/shareholders_and_investors/open_information/Year-reports.php.

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Maritime Activities in the Canadian Arctic:

A Tool for Visualizing Connections between Stakeholders

Leah Beveridge, Mélanie Fournier & Ronald Pelot

The Canadian-German project PASSAGES (Protection and Advanced Surveillance System for the Arctic: Green, Efficient, Secure)[1] aims to: (1) determine the needs of Canadian stakeholders for better maritime situational awareness; and (2) design a maritime monitoring system adapted to Arctic conditions. Although the system could be deployed in the circumpolar region as a whole, the geographical zone of interest is the Northwest Passage within the Canadian Arctic archipelago. In its first phase, PASSAGES has created a database by collecting and cross-referencing contextual information and interacting with potential users of such a system (government agencies, shipping companies, communities etc.). Exploring the Canadian stakeholder network is a necessary part of understanding how operations are planned for and conducted. The sources of this information, however, remain fragmented and difficult to locate.

The objective here is to take a new approach to sharing stakeholder information through a visualization tool. The goal is to go beyond traditional bibliographies and indexes to provide a comprehensive account of the major stakeholders in the Canadian Arctic, including an evaluation of their scale(s) of operation, their interests, and interactions.

Introduction

Maritime activities in the Canadian Arctic have historically been minimal; aside from some offshore oil and gas exploration in the Beaufort Sea, uses have been limited to annual community resupply, minor commercial fishing, and significant local subsistence harvesting. As the climate continues to warm and the sea ice continues to diminish, it is expected that the level of activity by maritime vessels in the Canadian Arctic will also steadily grow. The majority of the growth will be destinational traffic for natural resources projects and community resupply, and cruise tourism (AMSA 2009; Lasserre & Pelletier 2011). This change in traffic presents numerous opportunities for economic development both for Canada as well as internationally, such as new transportation routes and increasing cruise tourism. There are also numerous risks, though, most of which revolve around the immense potential environmental damage that could arise from an accident.

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To fully understand the potential opportunities, risks, enablers, and barriers associated with developing Canada's maritime Arctic, it is important to gain an understanding of all those involved. Improved stakeholder consideration and integration for more effective governance of maritime activities is being promoted at several scales, but understanding the stakeholder environment and coordinating their efforts is no easy feat. The complexity of the interests for using the marine environment in the Arctic arises from the scope and diversity of stakeholders, ranging from international industries, through national government departments, down to local communities and economies.

A holistic view of the wide range of stakeholders involved in marine Arctic activities and the relationships among them appears to be lacking in the current body of literature on these topics. Most studies have focused solely on one or two groups of stakeholders, or one or two sets of interests; it is rare to see work that embraces the diversity of stakeholders and concerns. Furthermore, the reader often can become overwhelmed by the literature that does exist by the level of detail, and the sheer volume of information available makes it difficult to draw connections between stakeholders.

The purpose of this research is to investigate the stakeholders involved in maritime activities in the Canadian Arctic, and to document our findings in a user-friendly visualization tool. This research aims to shed light on all those who are involved in one way or another in maritime vessel-based activities in the Canadian Arctic. In addition, it aids in highlighting the major topics of interest at different operating scales, which will help to identify gaps and overlaps between stakeholders, and provides a platform for future collaboration between groups.

Why conduct a stakeholder analysis?

When decisions about planning and development are made by groups in isolation from other stakeholders, the result is often a fragmented plan with numerous gaps and overlaps. By clearly considering, if not directly including relevant stakeholders in the governance process, conflicts can be avoided and the overall efficiency of the resulting policy can be improved. By identifying and integrating the interests of all stakeholders from the beginning, a better understanding of the social, economic, and environmental systems to be governed can be established and a balance between the interests can be found, thus reducing potential conflicts and maximizing the benefits for each stakeholder (VanderZwaag 1990; Douvere 2008; Halpern et al. 2008; Maes 2008; Pomeroy & Douvere 2008; Beaufort Sea Partnership 2009; Ehler & Douvere 2009; Jay 2009; Ritchie & Ellis 2010; Katsanevakis et al. 2011; Gopnik et al. 2012). Stakeholders are also more likely to support a governance regime when it is clear that their interests have been taken into account (Maes 2008; Jay 2009; Ritchie & Ellis 2010).

Demonstrating the common interests between stakeholders can also facilitate cooperation among themselves, as it is more evident where partnerships can be made (Grimble & Chan 1995; Douvere 2008; Pomeroy & Douvere 2008). It provides an opportunity for all stakeholders to gain a better understanding of the environment within which they work, and perhaps a better understanding of the perspectives and interests of others, allowing for greater transparency and potential for relationship-building (Helmick 2008; Reed 2008).

Arctic maritime activities, the risks, and the potential for development in the changing climate have been widely discussed in the literature, illustrating the extensive range of interests, concerns, and types of activities. Anthropologists and geographers have documented the role indigenous people have to play in developing their territories (Hovelsrud et al. 2012; Kelley & Ljubicic 2012; Flynn 2013); biologists have raised awareness about the risks to the Arctic environment from maritime activities (Erbe & Farmer 2000; Huntington 2009; Reeves et al. 2012; Chan et al. 2013); engineers have studied technological and structural issues with cold-climate navigation (Frankenstein & Tuthill 2002; Liu, Lau & Williams 2006; Kennedy, Simoes Re & Veitch 2014); and lawyers have described the international and national legal aspects (Pharand 2007; Chircop 2012; Karim 2015). Each of these is an important piece, but putting them together to form a complete picture of the region is challenging.

Some reports have endeavoured to provide an overview of the situation. Many organizations, for example, have produced reports addressing aspects that must be considered when trying to develop marine Arctic activities, all providing a broad perspective of their respective topics (Chatham House 2012; Parsons 2012; Conference Board of Canada 2013; Johnston et al. 2013).

Most notably, however, is the *Arctic Marine Shipping Assessment* (AMSA) (Arctic Council 2009) by the Protection of the Arctic Marine Environment (PAME) working group of the Arctic Council. The AMSA report provides an overview of the aspects that need to be taken into consideration if and when maritime activities progress in the circumpolar Arctic. The working group incorporated the views of a range of stakeholders, and approached the document by ship type, including tankers, bulk carriers, offshore supply vessels, passenger ships, tug/barge combinations, fishing vessels, ferries, research vessels, and government and commercial icebreakers. The focus, however, is on shipping rather than on the stakeholders:

> The AMSA is designed to be circumpolar in breadth and also to consider regional and local perspectives. The assessment's central focus is on ships: their uses of the Arctic Ocean, their potential impacts on humans and the Arctic marine environment and their marine infrastructure requirements (AMSA 2009: 2).

Furthermore, given the circumpolar approach, the level of detail on the stakeholders is not present.

The goal herein is not to replace the work of the PAME, or any other authors who have addressed the task of providing a holistic image of Arctic shipping, but rather to amalgamate the information in a way that provides the necessary level of detail without overwhelming the reader with text, while adding valuable information on interrelationships.

Why create a visualization tool?

Data exploration and data sharing

There are many reasons for visualizing data. Beyond the practical aspects of aiding internal and external communications of a project, visualizations can also be used for sharing data and the products of data processing with groups that are unconnected to a given project. We discussed the use of visualization tools for sharing information with many of the stakeholders of Arctic shipping, all of whom provided their support. Many people do not have the time to sift through literature or the

training to understand data and analyses. A visually appealing and easy-to-use tool can provide them the information they need in a timely manner. For example, in conversations with Canadian shipping companies it was mentioned that visualization tools would be particularly helpful for passing knowledge on to new employees.

The main goal of this research was to find a way to visualize and understand the governance of maritime activities by adapting pre-existing data visualization tools. Several projects are dedicated to studying the stakeholders and governance of the Arctic. Unfortunately, when the projects terminate, the maintenance of the associated tools do as well. There are also a number of relevant indexes and bibliographies (e.g. The Arctic Governance Project, 2010),[2] but they are unclear and difficult to access; that is to say they are hard to find, they are not particularly user-friendly, and they do not provide any kind of analysis. These tools are nevertheless valuable to those who are knowledgeable on the given topic. However, they are not very useful to users who are not experts on the topic of interest.

Object of knowledge

The type of representation we are discussing can be compared, to a certain extent with Geographic Information Systems (GIS). Many people want to use GIS or provide an online GIS platform, but most of the time the result is a simple map with stacked layers of information and relatively little added value. The added value lies where disciplines overlap and factors intersect; it is these aspects that make the Arctic so unique. Recognizing the required interdisciplinarity of marine activities, the aim was to incorporate the complexities of the system: the legal framework, issues related to Inuit traditional use and cultural connectivity to the marine environment, security and defence aspects, safety concerns, the unique climatic conditions, environmental considerations, natural resource development potential, and economic trends. By providing a visualization tool the user is able to consider all the possible links between the stakeholders in the Canadian Arctic as a result of common scale(s) of operations, shared interests, or working relationships. By making the tool interactive, the user is able to see only the information they are interested in, while still having access to the complete picture, thus simplifying the visualization to a user-friendly format. We aim to create a "mediating object of knowledge" (Kaplan, Fournier & Nuessli 2014); we want to provide a tool that is interactive and allows the user to play and explore the structured information.

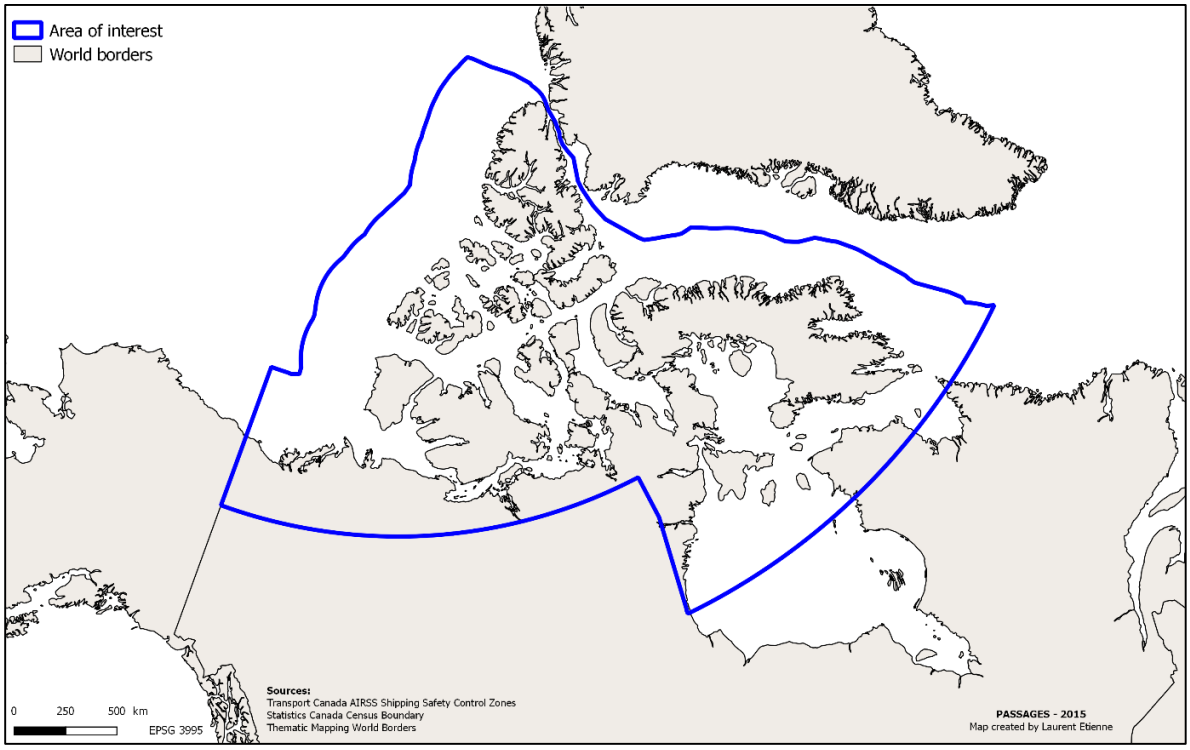
Stakeholder analysis

According to Grimble and Chan, a stakeholder analysis is "an approach and procedure for gaining an understanding of a system by means of identifying the key actors or stakeholders in the system, and assessing their respective interests in that system" (Grimble & Chan 1995). They also define a stakeholder as an individual, a community, a social group, or an institution that affects and/or is affected by the policies, decisions, and actions of the system. The system we are dealing with is that of maritime traffic in the Canadian Arctic, which is the geographic region described in the *Arctic Waters Pollution Prevention Act* (AWPPA 1985) as waters bound within the 60th parallel north, the 141st meridian west, the equidistance line between the islands of the Canadian Arctic and Greenland, and a line measured seaward from the nearest land a distance of 100 nautical miles (Figure 1). This definition

was chosen because within this area, maritime vessel activities are governed by Arctic-specific Canadian regulations.

The stakeholder analysis was conducted in four steps: 1) general information on the present maritime vessel activities in the Canadian Arctic and the legal framework governing those activities was gathered; 2) stakeholders involved in the different aspects of the activities were spoken to directly; 3) the results were analyzed for commonalities and differences; and 4) a user-friendly tool for visualizing the results was designed and developed.

Figure 1. The study's area of interest: the Canadian Arctic marine waters defined by the *Arctic Waters Pollution Prevention Act*, 1985.



Methodology & results

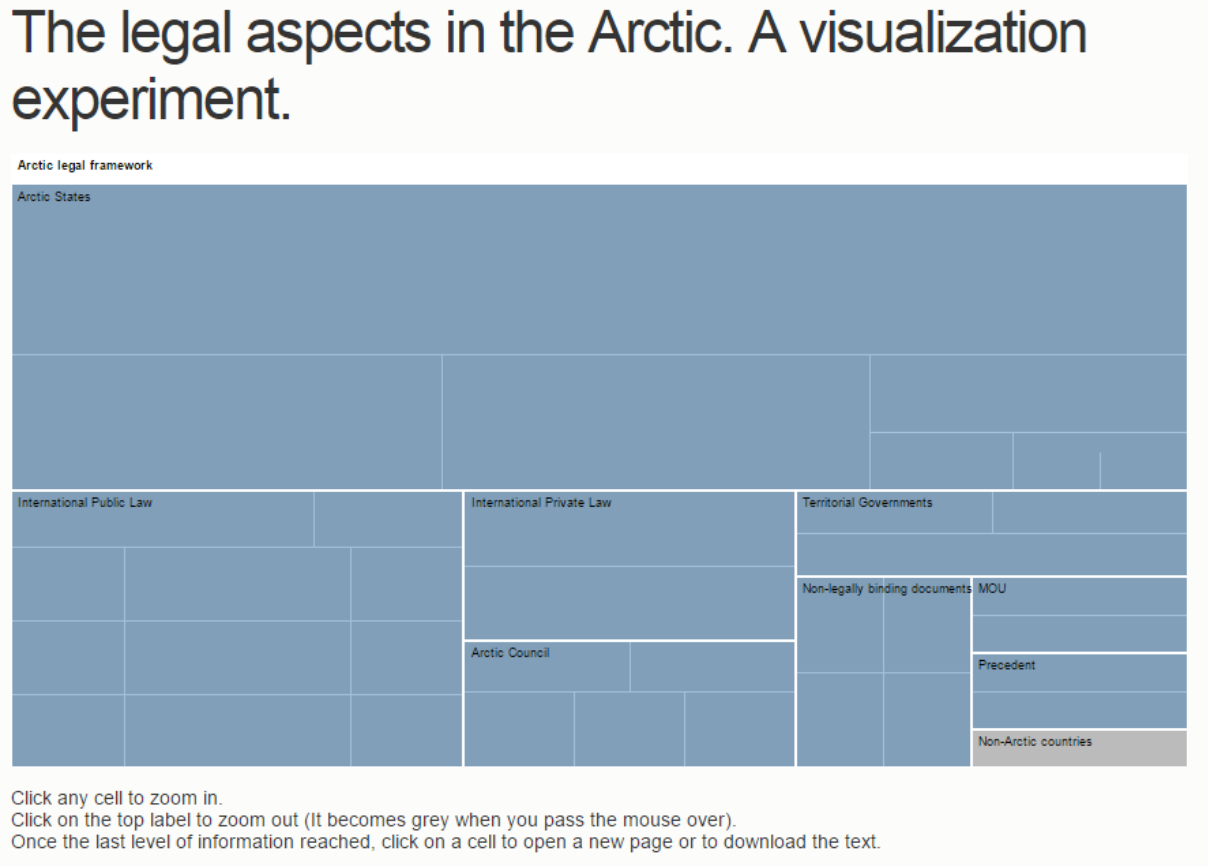
The first step towards analyzing the stakeholders of maritime vessel-based activities in the Canadian Arctic was to identify the stakeholders. Some were easily identified, such as the industries that deploy vessels. Others, such as the organizations that have sway over regulatory bodies were more difficult to isolate. In order to aid this process, an examination of the legal framework surrounding vessel activities in marine Arctic waters in Canada was conducted. To begin, the legal framework was divided into nine categories: international public law, international private law, non-legally binding documents, precedents, Memorandum of Understanding, territorial governments, Arctic Council, Arctic states and non-Arctic states. The last three categories have been sub-divided by territory and by country (see Figure 2 below).

Stakeholders were also identified through a review of the most up-to-date information, including reports, academic publications, news articles, and websites. Further information was gathered through

participation in a number of industry- and academia-based conferences and forums, and the networking opportunities provided therein. These events included the Arctic Shipping Forums held in St. John's, Newfoundland and Helsinki, the MASS conference held in St. John's, and the Canadian Marine Advisory Committee - Prairie and Northern Region Meeting in Iqaluit.[3] In addition, formal and informal interviews were conducted to collect expert knowledge of the groups involved, as well as to better understand the interests of the stakeholders and their interactions.

Once the stakeholders, their inputs, and their roles were identified the data needed to be analyzed. Based on the information gathered during interviews and from the mandates provided on the official websites of stakeholders, we determined three criteria for our evaluation: a) the scale at which a stakeholder operates, b) their interests, and c) their interactions. Scale refers to the geographic level at which the stakeholder focuses: international (including circumpolar), national (Canada-wide), local (limited to a specific region in the Canadian Arctic), or any combination of the three. These three scales reflect the governance regimes: international conventions, national legislation, and local regulations.

Figure 2. A screenshot of the tool for understanding the legal aspects relevant to shipping in the Arctic. The tool is available at http://passages.ie.dal.ca/Legal_Aspects_Tool.html. The user needs to enable the scripts into the browser used to run the tool.



The categories of interest were derived from the working groups of the Arctic Council. We decided to mirror the approach of this intergovernmental organization because of the Council's influential role

in the governance of Arctic maritime activities, its work on the AMSA, and because of the support it receives from stakeholders. We determined five categories of interests:

1. *Climate & Environment*: pollution (spills, ejections, discharges, noise, light, invasive species); response; environmental protection; sustainable development; environmental hazards to and from ships; climate change.
2. *Economics*: business development; cost-efficiency; trade; financial gains; economic utilization of natural resources (petroleum, gas, minerals, fish); competitiveness; employment; income; sustainability.
3. *Safety, Security & Defence*: search and rescue; safety of navigation; maritime security; sustainability.
4. *Health & Social*: health; happiness; well-being; tensions and social problems; welfare.
5. *Inuit-Specific Aspects*: culture; language; traditional activities.

Safety, security & defence are grouped for our analysis because of the similarities in concerns within the three topics. Based on a presentation given by Major Pascal Sévigny of the Canadian Department of National Defence at the Warming of the North Conference[4], they are viewed along a gradient rather than as three distinct areas of interest.

From sources to structured data

Stakeholder segmentation

We identified seventy-eight stakeholders; to simplify the analysis we decided to combine sets of stakeholders into stakeholder groups (SGs) (Table 1). The clusters were made according to four criteria: a) departments or working groups within the same authority (e.g., the Arctic Council includes its various working groups; and the Canadian Department of National Defence includes the Canadian Rangers, Defence Research and Development Canada, the Joint Rescue Coordination Centres, Joint Task Force North, and the National Search and Rescue Secretariat); b) characteristics; c) interests; and d) a combination of points b and c.

For example, the banks and the insurance market have been clustered, as they both play similar roles in determining whether a ship will be able to voyage in the Arctic. According to a stakeholder with considerable experience on this topic, in order for a ship to be built, a finance agreement must be established with a bank. Such agreements often require that the vessel has insurance, sometimes from a particular company known to have high standards, and require that the vessel remain in compliance with its insurance policy. As such, it was not seen as appropriate to include one and not the other, but it was unnecessary to separate the two.

After stakeholders were grouped, the number of distinct entities was reduced from 78 to 28. In three cases the decision was made not to group certain stakeholders. The first is the shipping industry. Although components of the shipping industry were combined (ship-owners, operators, etc.), the international and domestic shipping industries were left separated because different regulations apply depending on whether international or local transits are being conducted by foreign or domestic vessels. An example is the Canadian *Ballast Water Control and Management Regulations* (SOR/2011-237

2011): the regulations apply to all Canadian and foreign vessels conducting international transits, but do not apply to vessel operating exclusively in waters under Canadian jurisdiction.

Commercial fisheries were also left divided into Inuit and non-Inuit fisheries because their operations are quite different; Inuit fishers operate at the local level, whereas non-Inuit fishers are directed by international commercial interests. Another set of stakeholders that could have been grouped were those operating for tourism purposes: the cruise industry and adventure tourists. They were left separated because the cruise industry is highly regulated, whereas adventure tourists essentially operate on their own. The cruise industry was also left separated from international and domestic shipping because their purposes for operating in the Arctic, parts of the legal framework surrounding their activities, and the type of voyages they undertake are significantly different.

Finally, we decided to combine the territorial governments under one stakeholder group. This decision was made because, although their agendas may differ, their general mandate and role in the realm of shipping in the Canadian Arctic is the same. This is particularly true given the scale at which we are conducting this study.

Some stakeholders were consciously omitted from the analysis, such as the International Chamber of Shipping and the International Labour Organization. Although they do influence aspects of shipping, they were not considered to be central to the development of shipping in the Canadian Arctic specifically. The International Chamber of Shipping promotes the interests of shipowners and operators, and the International Labour Organization addresses workers' rights, but neither contributes to the demand for shipping in the Canadian Arctic that will drive changes in volumes of activities. In addition, many of these organizations collaborate with the IMO to develop guidelines and regulations for maritime activities. The decision was also made to exclude port authorities because there is a known lack of deepwater ports, places of refuge, marine salvage, and adequate port facilities in the Canadian Arctic, and the ports from which vessels voyaging to the Arctic originate are located outside the region, and outside the scope of our study.

Table 1. All identified stakeholders organized alphabetically by stakeholder group. For a complete list of all stakeholders and stakeholder groups, their scale(s) of operations, and their interests, see Appendix 1 on our website.[5]

Stakeholder Group	Stakeholders Included in Group
Aboriginal Affairs & Northern Development Canada (AANDC)	Canadian Polar Commission
Adventure tourists	
Arctic Council	Arctic Contaminants Action Program (ACAP); Arctic Monitoring & Assessment Programme (AMAP); Conservation of Arctic Flora and Fauna (CAFF); Economic Council; Emergency Prevention, Preparedness & Response (EPPR); Protection of the Arctic Marine Environment (PAME); Sustainable Development Working Group (SDWG)
Banks/Insurance market	Underwriters, lawyers, P&I Clubs
Canadian Northern Economic Development Agency (CanNor)	

Classification societies	American Bureau of Shipping; Bureau Veritas; ClassNK; DNV GL; Korean Register; Lloyd's Register; RINA Services, SpA
Cruise industry	Association of Arctic Expedition Cruise Operations (AECO); ship owners, operators and crew
Domestic shipping industry	Ship owners, operators and crew; cargo owners; chartering companies; shipbuilders
Environment Canada	Canadian Ice Service
Fisheries & Oceans Canada (DFO)	Canadian Coast Guard (CCG); Marine Communications & Traffic Services (MCTS); Canadian Hydrographic Service (CHS)
Foreign Affairs Trade & Development (FATD)	
Ice Navigators	
International Maritime Organization (IMO)	Marine Environmental Protection Committee (MEPC); Maritime Safety Committee (MSC)
International shipping industry	Ship owners, operators and crew; cargo owners; chartering companies; shipbuilders
Inuit commercial fisheries	
Inuit population	Communities
Mining industry	
National Defence (DND)	Canadian Rangers; Defence Research & Development Canada (DRDC); Joint Rescue Coordination Centre (JRCC); Joint Task Force North (JTFN)
Natural Resource Canada (NRCan)	Geological Survey of Canada (GSC)
Non-Government Organizations (NGOs)	Greenpeace; Inuit Circumpolar Council (ICC); Inuit Tapiriit Kanatami (ITK); Oceans North; World Wildlife Fund (WWF)
Non-Inuit commercial fisheries	
Northern population	
Oil & Gas industry	
Parks Canada	
Public Safety Canada	Canadian Border Service Agency (CBSA); Canadian Security Intelligence Service (CSIS); National Search & Rescue Secretariat (NSRS); Royal Canadian Mounted Police (RCMP)
Research community/consultants	Centres of Excellence; National Research Council (NRC); Research Institutes
Territorial Governments	Northwest Territories; Nunavut; Yukon
Transport Canada	Canadian Marine Advisory Council (CMAC); NASP; Marine Safety; Marine Security

Scale and interests

The stakeholders were first analyzed by scale and interest separately. As one could expect, more stakeholders operate nationally than internationally or locally (71% versus 54% and 57% respectively) (Table 2). Of the 28 SGs, only seven operate at all scales: classification societies, DFO, DND, non-Inuit commercial fisheries, the cruise industry, NGOs, and the research community/consultants. We then analyzed the stakeholders based solely on interests, of which most were concerned with climate & environment (93%), safety, security & defence (89%), and economics (79%) (Figure 3). No stakeholder group is dedicated to only health and social aspects or Inuit interests. Nine are interested in all five topics.

Table 2. The distribution of stakeholder groups based on the scale(s) at which they operate.

Scale	Number of stakeholder groups	Percent
Includes international	15	54%
Includes national	20	71%
Includes local	16	57%
International only	3	11%
International and national only	4	15%
National only	6	22%
National and local only	4	11%
Local only	4	15%
International and local only	1	4%
International, national and local	7	26%

For the analysis, international and domestic shipping industries were classified as not having an interest in health & social aspects. Codes of conduct often require consideration of potential impacts on society, but it is our understanding that the main goals of the shipping industry are not focused on improving the health and well-being of northern societies. Thus they were not considered to be interested in "health & social" within this study.

Figure 3. The number of stakeholder groups interested in a particular set of interests; those interested in all aspects are not included (9 groups). **C=Climate & Environment; E=Economics; S=Safety, Security & Defence; H=Health & Social; I=Inuit-Specific Aspects**. Each side of a square represents an interest, allowing up to four interests to be communicated. In some cases, an interest will be repeated, resulting less than four interests to be represented. Take the square with the number "7" for example: Starting on the left with Interest 1, we see the first interest is Climate & Environment; Interest 2 on the top of the square indicates the interest of Economics; the right side indicates Interest 3, which is Safety, Security & Defence; and Interest 4 represented by the bottom is also Safety, Security & Defence. This means that there are 7 stakeholder groups interested in climate & environment, economics, and safety, security & defence.

INTEREST 1		INTEREST 2															INTEREST 3
		C					E				S			H		I	
	C	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C
		-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	E
		-	-	-	-	-	-	7	1	1	3	-	-	-	-	-	S
		-	-	-	-	-	-	-	0	1	-	1	0	0	-	-	H
		-	-	-	-	-	-	-	-	0	-	-	0	-	0	1	I
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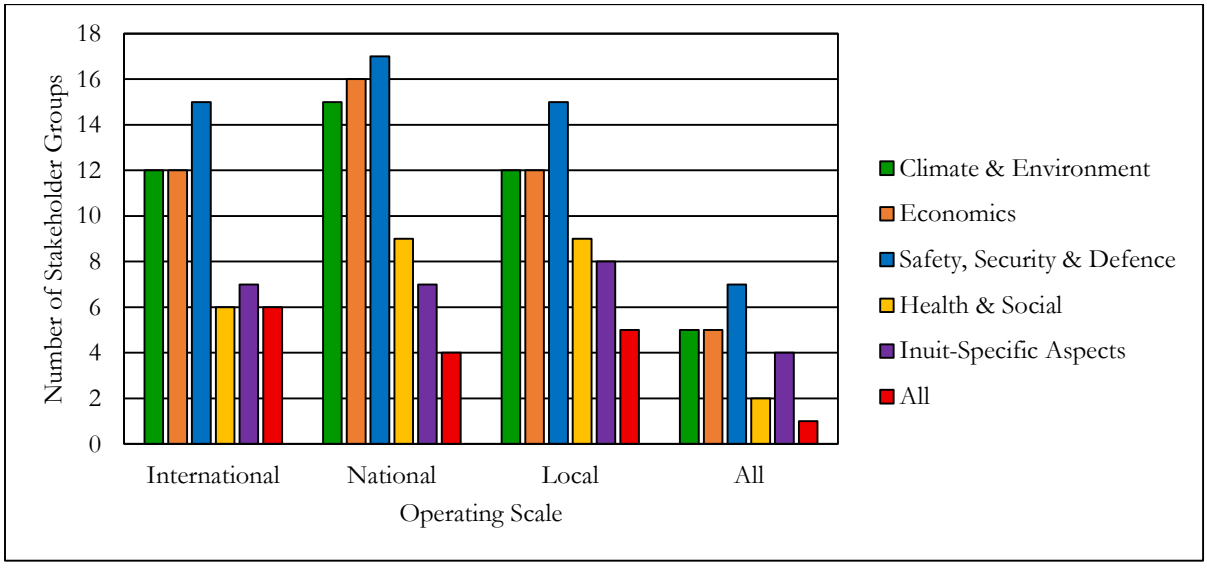
														-	-	0	I
	I															0	I
		C	E	S	H	I	E	S	H	I	S	H	I	H	I	I	
		INTEREST 4															

The trend of more interest in climate & environment, safety, security & defence, and economics over health & social and Inuit interests was consistent when SGs were analyzed by both scale and interests (Figure 4). Of all the stakeholder groups, only one operates at all scales and is interested in all aspects of maritime, vessel-based activities, and that is the research community/consultants.

Figure 4. The distribution of stakeholder groups by operating scale and interests.



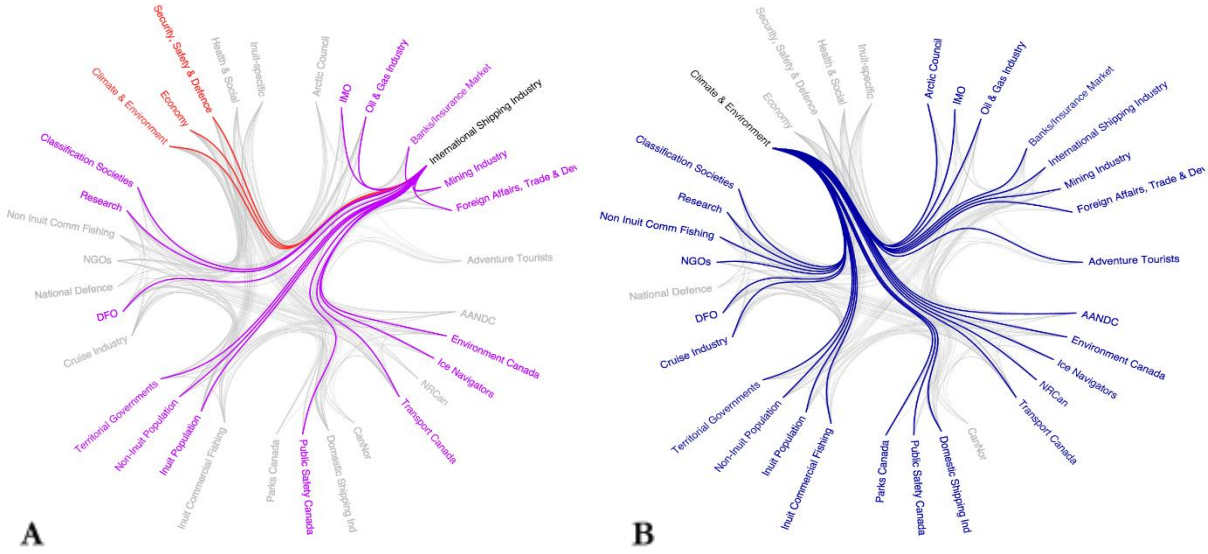
From structured information to visualization

To begin we needed to find a platform upon which to develop the flexible and user-friendly tool. Mike Bostock[6] created D3.js, which is unlike classic visualization libraries in that it allows information to be communicated in much more powerful ways. The almost endless options for data representations make the library itself a tool. From the D3.js library we chose a visualization based upon hierarchical edge bundles (Holten 2006). The data are represented in a wheel format, which is composed of nodes and edges all coloured in light grey. The data are grouped into eight bundles: seven represent the stakeholders organized by the scale(s) at which they operate (see Table 2) and the eighth represents the interests. The nodes within each bundle are the stakeholder groups that operate at those particular scale(s), and each is linked to its interests (Figure 5).

Figure 5. The foundation of the visualization tool showing all connections between stakeholder groups, and between groups and their interests.

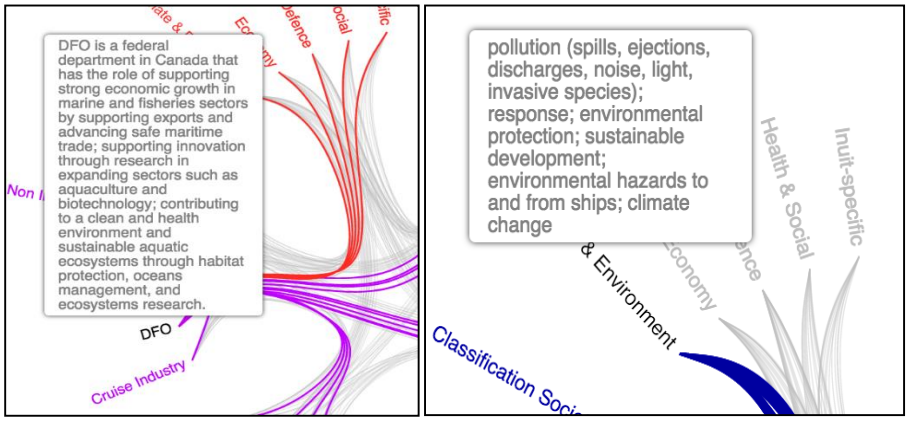
Each node (SG or interest) acts as both a source and target. When the user passes their cursor over either a stakeholder group or an interest (the source), it becomes highlighted in black. The colour of the edge (connecting line) and the target(s) will be different, though, depending on whether the selected source node is an interest or a SG. If the user passes their cursor over a SG, the edge(s) and the target node(s) become highlighted in red if it is an interest, or in purple if it is another SG (Figure 6a). In contrast, if the user passes their cursor over an interest, the edge(s) and the target node(s) will become highlighted in blue (Figure 6b).

Figure 6. (A) The visualization tool when a stakeholder group is selected: red indicates a link to an interest, and purple indicates a link to another stakeholder. (B) The tool when an interest is selected: all stakeholders with that interest are linked and highlighted in blue.



Furthermore, description windows were added for each SG and interest (Figure 7). They appear when the user clicks on a particular node. The descriptions are either taken directly from the official website of the SG (e.g., those of federal departments and agencies), or they have been written based on the literature. We took this approach because we wanted to provide more information to the user, but wanted to keep the visualization simple and easy to read and understand.

Figure 7. The pop-up description windows when clicking on (A) a stakeholder group or (B) an interest.



Conclusions

With another three to four decades before substantial increases in maritime traffic are expected in the Canadian North, a unique opportunity has been presented: there is the time to conduct the integrative

and collaborative work required to produce a governance regime that is inclusive and proactive. The need for this kind of approach has been documented in reports from numerous sources, and has been announced by leaders of organizations and states. The comprehensive, interactive visualization tool we have developed will facilitate future stakeholder-related work, be it more in-depth stakeholder analyses, consultations, engagement efforts, or planning processes.

As with all new tools, there are current limitations, but in this case those limitations are also the strengths of the work. The visualization tool is intended to be an evolving and ongoing collaborative tool, rather than a static end-product of a single research project. At this stage the list of stakeholders is not exhaustive; some have been intentionally omitted, others combined into groups for the purpose of simplifying the tool and the analysis. The limitation is that the visualization illustrates the interests and connections of stakeholders as identified by the stakeholders themselves. In other words, in order to improve the tool, stakeholder input is required. When a stakeholder chooses to participate, they not only provide data for the analysis but they become part of the project, thus initiating the desired stakeholder engagement and collaboration process. One example of this is the work we conducted with three domestic shipping companies that operate in the Eastern Canadian Arctic: we gathered information from them and presented it to delegates of the World Maritime University's ShipArc 2015 Conference, thus connecting two groups that may not necessarily interact on their own (our presentation is available at http://passages.ie.dal.ca/PPT/BeveridgeFournier_ShipArc.pdf).

The data have been gathered in an open-source format (D3.js for the interactive visualization, GitHub to share the code and data), so the users not only have online access to the representation, but they can also freely use the data and expand upon the tool (as long as the original developers' names are embedded within the code). For example, the scope of the analysis could be focused to study particular areas within the Canadian Arctic (e.g., the Beaufort Sea or Lancaster Sound), or the scope could be narrowed to study specific activities (e.g. search and rescue or fishing). The structure could also be broken down and the study segmented by the type of sailing routes, such as intra-Arctic, destinational, or transit routes.

The AMSA report describes the governance of Arctic shipping activities as a "complicated mosaic" (AMSA 2009: 50), and it was our goal to provide a way to visualize this puzzle; a way to gain access to the complex web of stakeholders, their interactions, and the antagonisms of their activities and interests with a single click. The topic of Arctic shipping governance is not new, but documentation has often focused on the legal framework and only those players directly involved in writing and following the rules. There is so much more to the picture, though, and to begin to try to understand it, a more in depth analysis was required. Not only did we engage with numerous stakeholders from varying scales and arenas, we analyzed the information and translated it into a visualization tool to help decode the complexities of maritime Arctic activities in Canada. With further stakeholder support and collaboration, the work we have done can be expanded and improved.

Acknowledgements

To Paul Maher from NSCAD for advising us on the design of the visualization tool and to David Griffiths from Dalhousie University for his valuable insights.

Notes

1. The PASSAGES Project: http://passages.ie.dal.ca.
2. The Arctic Governance Project, Compendium is available at: http://www.arcticgovernance.org/compendium.137742.en.html.
3. Respectively: October 2014, February 2015 and May 2015.
4. Conference held in Ottawa in 2015: http://umanitoba.ca/faculties/management/ti/warming-of-the-north-2015.html.
5. See http://passages.ie.dal.ca/Publications.html.
6. The D3.js library is available at http://d3js.org.

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Regional Governance without Self-Government:
Dynamism and Change in the North American Arctic

Adrienne M. Davidson

How do we understand the evolution of sub-national governance in the North American Arctic? In what ways are Indigenous policy actors empowered and organized? Discussions of circumpolar regionalization often focus on the increasing role of state, provincial, or territorial governments in policy development, in international relations, and in managing the future of the north. However, these institutions do not constitute the only form of regionalization that the Arctic has experienced. Over the past 40 years, the North American Arctic has also seen rapid political change at the sub-national level. The land claims movement, which emerged in the 1960s in Alaska and in the 1970s in Canada, shifted policy authority into new regional institutions and empowered local indigenous populations. This has meant that the northern territories and the state of Alaska have moved toward becoming their own quasi-federal systems, and has heightened the complexity of northern governance. This paper presents a comparative study of regional models of governance in the North American Arctic. The paper pays specific attention to regional models that emerged in a policy vacuum, prior to the pre-1990s period that saw both US and Canadian federal governments reaffirm notions of Indigenous sovereignty. However, due to policy legacies and path dependency, some populations do not (and may never have) Indigenous self-government. The paper explores the layered development of governance, focusing on the Northwest Arctic and North Slope regions in Alaska, and the Inuvialuit and Gwich'in regions in the Canadian Northwest Territories. This paper explores how differences in institutional structure influence shape regional policymaking, and how these institutions are poised to affect the future political, economic, and social development of Arctic Northern America.

Introduction: Conceptualizing the Arctic region

Since the end of the Second World War, the Arctic has experienced considerable political and institutional change. The political reorganization of the Arctic has evolved along three parallel streams of governance: (1) transnational cooperation; (2) decentralization; and (3) regionalization. The first path of institutional development came through the ideational creation of an 'Arctic Region' in international relations. The 'Arctic Region' became a focal point during the Cold War, sparking

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significant bilateral and multilateral cooperation and conflict (Young 2005). Transnational regional cooperation evolved through a number of political venues such as the Arctic Council and multilateral agreements in the Barents region (along the Barents Sea from Norway to Russia), as well as through the institutionalization of Arctic indigenous polities (Paasi 1999; Shadian 2006). By comparison, the second path developed through intra-state political and economic decentralization to existing regional/territorial units. This trend in Arctic governance has been particularly obvious in the federal Arctic states—which have progressively devolved policy authority to sub-national governments within the Arctic region, including Territories (Yukon/Northwest Territories/Nunavut), States (Alaska), and Provinces (Wilson 2005, 2008)—as well as in non-federal states, such as Denmark. This process has focused on bolstering existing political units through policy decentralization and increased political power, rebalancing (to a degree) the governance mismatch between center (southern capitals) and periphery (northern interests).

The third plane on which Arctic governance has evolved is the focus of this paper. In this paper, *regionalization* is defined as the creation of bounded regional institutions through political processes such as lobbying, legislation, and negotiation. In the Arctic, this is characterized by the institutional recognition of sub-state/sub-territorial units of Indigenous governance.[1] Through regionalization, Arctic Indigenous actors have actively wrested away policy control and political autonomy from other orders of government (be they territorial or national), and vested these powers in new geographically and culturally situated organizations of governance. The most common institutions of regionalization in the North American Arctic are Indigenous land claims (which generally transfer land and money, and in some cases include the policy authority to manage regional natural resources) and Indigenous self-government agreements (which generally transfer the authority over social policy and responsibility of program delivery to new indigenous governments) (Abele & Prince 2006).

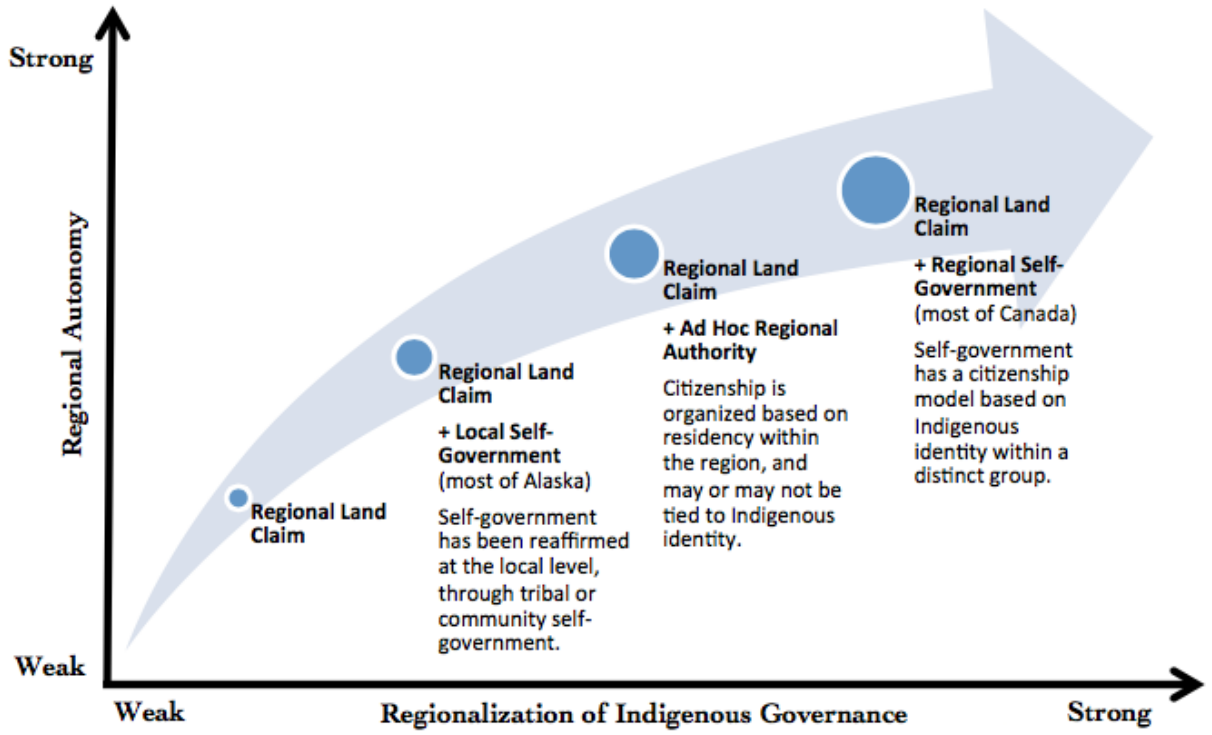
Each stream of governance finds its origins in the late 1950s and early 1960s, in a period of northern expansion and political conflict. Indigenous policy actors have played a key role in the organization of each of the three planes of governance, advocating for, and shaping the scope of Indigenous influence and role in policy matters at each level. At the transnational level, six transnational Indigenous organizations sit as Permanent Participants on the Arctic Council.[2] At the territorial level, Indigenous politicians have made their mark in Canada's Westminster-style territorial governments, and in Alaska's bicameral legislature. But it is at the regional level that Indigenous policy authority and self-determination are truly evident. This paper will explore the development of regional models of Indigenous policy authority. In particular, it will argue that the factors of timing and identity have influenced the way in which institutions layer to create units of regional governance and this in turn influences the policy dynamics between new regional actors.

Regionalism in the Arctic: institutional models and variation

Over the past four decades, Indigenous groups have wrested policy authority and political legitimacy away from other orders of government and into new institutions of regional governance. Control over land and resources, social and economic policy, and environmental oversight has been reconstituted through new institutions of land claims, co-management organizations, and self-government. During the 1960s and 1970s, land claims were the main tool through which to recognize Indigenous rights in

United States and Canada (as self-government did not make its way into the federal rights framework until the 1990s). Modern land claims put forward a new regional model of political and organizational development through the creation of geographically bounded native regional corporations (NRCs), which hold and manage collective Indigenous lands. As northern political development evolved, new institutions have been layered on top of the regional template provided through the NRCs. Though there has been a general progressive trend towards the development of regional Indigenous governance in the north, the actual outcomes operate on a continuum:

Figure 1: Regional Governance in the North American Arctic



Where federal recognition of *local* tribal self-government at the village/hamlet level has occurred, the regional model has been diluted. Broadly speaking, most of Alaska falls into this category. Though the Alaska Native Claims Settlement Act (ANCSA) of 1971 introduced the beginnings of a regional template with the development of twelve regional corporations, the simultaneous creation of over 200 village corporations tempered the regional model (McBeath & Morehouse 1980). Moreover, when the United States federal government reinforced nation-to-nation relationships with Indigenous populations in 1994, it did so by reaffirming the rights to Indigenous self-government through the recognition of village tribal governments (Case 2005).[3] There has also been some limited movement in this direction—towards the combination of regional institutions and local self-government—in northern Canada: in the Sahtu land claim region of the Northwest Territories, self-government is being negotiated on a community-by-community basis.[4]

By comparison, cases of strong regionalization generally evolved from layering of regional

institutions—operating over geographically identical territories—on top of one another. Broadly speaking, this is the way that Indigenous governance institutions have evolved in northern Canada. In 1995, when the Government of Canada updated its policy of negotiation to include self-government provisions, the same groups that had come together to negotiate regional land claims could now enter into the negotiation of regional self-government (Alcantara & Davidson 2015). As these agreements were finalized, they overlaid existing regional corporate institutions. For those land claims not yet settled in 1995, self-government was added into the package of goods on the table for discussion, thus reinforcing the existing regional model.

The literature has begun to explore how these distinctly regional models of governance affect northern politics, with a focus on what types of policy authority they have, how regional governance is structured, and the implications for regional and national politics (Abele & Prince 2006; Anders & Anders 1986; Wilson & Alcantara 2014). In their 2014 article, Wilson and Alcantara explore some of these implications by looking at Inuit political development in the Canadian north. They present a model (duplicated below in Table 1) that sets out the potential for intra-jurisdictional relations[5] within Inuit political regions, based on the sequence and form of land claims and self-government settlements:

Table 1: Model of Regional Institutions & Intra-Jurisdictional Relations

	Land claims and self-government completed at the same time	**Land claim agreement first, self-government agreement later**
Indigenous Government	1. No interaction because there is no land claims organization to compete with the Inuit government (i.e. Nunatsiavut)	2. Interactions between Inuit government and land-claims organization (i.e. potentially the Inuvialuit Region)
Public government	3. Interactions between the Inuit-dominated public government and the land-claims organization (i.e. potentially Nunavik)	4. Interactions between the Inuit-dominated public government and the land-claims organization (i.e. Nunavut)

(Wilson & Alcantara 2014)

This typology presents a useful starting point for understanding these regions as political units. It presents a theoretical model through which to explore how actors are engaged in policy and highlights how the timing of institutional development shapes the ways institutions operate together. Nonetheless, some important gaps remain. One issue arises in the equal treatment of the creation of Nunavut—which in some ways combines the phenomena of decentralization and regionalization—with the other types of (purely regional) political development they explore. Though the creation of Nunavut came about through a similar process of land claims and negotiation, as a Canadian territory, Nunavut has a distinctly different relationship with the Government of Canada. A bigger issue, however, is that the typology is limited to Canada and, furthermore, to the Inuit within Canada. While these limitations form a reasonable boundary to the project, there are important implications to thinking through regional development and intra-jurisdictional relationships both for other Inuit groups (such as in Alaska or Greenland) as well as for other Aboriginal groups throughout the Arctic region who have also engaged in the project of regionalization. In essence, their model of institutional

layering builds a useful ideal-type for understanding intra-jurisdictional relations once regional institutions of Indigenous governance are in place and in operation.

When we attempt to export this model outside of Inuit northern Canada and into the rest of Arctic North America, the prospect of the 'completeness' of regional development becomes complicated. Throughout the Arctic, and even within Arctic North America, regionalization is a largely unfinished project. By looking beyond the ideal-types of regional institutional development, we can begin to build a more comprehensive understanding of how regional organizations interact in dynamic models. In particular, the inclusion of Alaska's experience in the framework strongly disrupts the notion that strong models of regional development are a common or even an expected outcome. The next section of the paper will expand on Alcantara and Wilson's typology of intra-jurisdictional dynamics by exploring how regions were constructed across the northern United States (Alaska) and northern Canada (particularly in the Northwest Territories). It will consider how the factors of timing and institutional identity have shaped organizational development and the policy scope practiced by regional Indigenous governing authorities.

Constructing regions in Alaska and northern Canada

Despite the fact that the native regional corporations (NRCs) became a central component of modern land claims in both the Alaska and Northern Canada, differences in how land claims were settled have led to distinctly different outcomes throughout the North American Arctic. The land claim process was settled quickly for Alaska—over a period of three years—through a process of Congressional hearings and political lobbying. By comparison, northern Canada has adopted a much more prolonged process of negotiation (Scholtz 2006). These differences have structured the outcomes of regional development throughout the north.

The idea for NRCs was first introduced in a 1968 report from the Governor's Task Force on Native Land Claims in Alaska (Governor's Task Force 1968). The idea of the NRCs to hold and manage Native lands advanced a distinctly regional template through which native claims would be implemented. Many rallied around this new venue for political and economic development, including the Alaska Federation of Natives (AFN), which was the main body through which Alaska Natives were represented in negotiations. In particular, the AFN threw its weight behind the development of twelve Alaska Native Corporations, to be divided along the lines of common geographic, economic, and cultural interests.[6] Yet despite the creation of regional boundaries along common interests, the regions themselves were constructs of geographic and historical convenience, and blurred the lines between many more distinct Indigenous groups. Prior to beginning negotiation on the Alaska Native Claims Settlement Act (ANCSA), 39 separate native protests had been made laying claims to parts of Alaska[7] (Brady 1967). The formation of twelve distinct regions thus resulted in boundaries that split across groups and created regions with (generally) more highly mixed Native populations (see Table 2, which divides the Alaska native population along the line of American Indian and Inuit, two categories which hide further cultural variation within those distinctions).

Despite the top-down nature of regional definition, ANCSA was a landmark agreement between the United States federal government and the Alaska Native population. Following its finalization in 1971,

the Act transferred 40 million acres of land to Alaska Natives, and provided nearly one billion dollars as part of the settlement (Hirschfield 1992).

Table 2: Regional Heterogeneity under ANCSA (1970)

High Regional Heterogeneity

	Alaska Native Population	
Twelve ANCSA Regions	**% Indian**	**% Inuit**
1. Cook Inlet Native Association	39.1	60.9
2. Chugach Native Association	20.8	79.2
3. Tanana Chiefs Conference	81.7	18.3
||	||	||
10. Bering Strait Native Association	0.4	99.6
11. Arctic Slope Native Association	0.4	99.6
12. Northwest Alaska Native Association	0.2	99.8

Low Regional Heterogeneity

Within this system that otherwise created weak regional governance and strong local governance, Alaska's two northern-most regions (Northwest and North Slope) have developed a unique model. Like most of the other regions, the regional Alaska Native Corporations worked to solidify the mandate of a profit-based corporation, while the regional Non-Profit Native Associations (which had been key participants in AFN and thus in ANCSA negotiations) reorganized into regional non-profit corporations in order to access federal funds and to manage regional health and social services. However, the Northwest and North Slope regions went further, and worked to establish a third regional institution through the creation of borough government.[8] The creation of borough governments—which are regional public governments—introduced an "as-close-as-possible" version of Indigenous regional self-government in these two regions. Within the two regions, the regional Alaska native corporation, the non-profit native association, and the borough government have coordinated a stronger form of regionalism in the Alaskan north (though with some important caveats on *whom* each of the institutions provide services to):

Table 3: Institutional Development & Regionalization after ANCSA

Alaska Native Corporation	**Non-Profit Native Associations**	**Regional Borough Government**	**Village Tribal Gov'ts**	**Regionalization**
Chugach Alaska	--	--	6	Weak
Calista Corp.	Association of Village Council Presidents	--	56	Weak
Bristol Bay	Bristol Bay Native Ass'c	--	32	Weak
Doyon, Ltd.	Tanana Chiefs Conference	--	32	Weak
Bering Straits	Kawerak, Inc.	--	18	Weak
Aleut Corp.	Aleutian/Pribilof Islands	--	15	Weak
Sealaska	Central Council Tlingit & Haida Indian Tribes	--	10	Weak
Koniag, Inc.	Kodiak Area Native Ass'c	--	9	Weak
Ahtna Inc.	Copper River Native Ass'c	--	8	Weak
Cook Inlet	Cook Inlet Tribal Council	--	8	Weak
NANA	Maniilaq	Northwest Arctic Borough	11	Medium (ad hoc)
Arctic Slope	Arctic Slope Native Ass'c	North Slope Borough	8	Medium (ad hoc)

Unlike the United States, Canada did not settle northern claims in one fell swoop. Instead, Canada's decision to introduce a policy of negotiation in 1973 clearly set the development of Arctic regionalization in motion. In comparison to Alaska's ad hoc solution, negotiation favoured the development of clearly defined regions constrained by group identity. The structure of the policy tied collective rights to the identification of distinct groups that occupied and utilized a bounded geographic territory.

Under Comprehensive Land Claims (CLCs), the Government of Canada invited Indigenous groups that had never previously signed a treaty to begin negotiating claims. This did not necessarily mean that singularly homogenous groups advanced their claims (for example, the Sahtu land claim was a combined Dene and Métis claim). However, whereas Alaska's process set regional boundaries as the ANCSA process approached finalization, Canada's modern land claims pushed Indigenous peoples to self-organize into most-similar groups based on region, culture, and ethnicity *prior to* negotiation. By virtue of this group self-identification, the conceptualization of regions in northern Canada was more deliberate. More importantly, the lengthy negotiations resulted in stronger units of regional governance than those created in Alaska. Initially (and like Alaska), the settled claims relied on the transfer of land, money, and resource revenues through the creation of regional corporations. However, these regional corporations were primarily not-for-profit organizations and Canada's model of regionalism was embedded through the creation of regulatory boards whose borders were geographically identical to the regional land claims. These regulatory boards institutionalized Indigenous participation on regional environmental screening committees and review boards[9] and have reinforced Indigenous authority over resource development (White 2002).

Canada's policy of negotiation continued to evolve throughout the next few decades as the country's legal regime changed. Indigenous collective rights were reinforced through different venues, including through the period of constitutional negotiations in the late 1980s and early 1990s. Though the Meech Lake and Charlottetown Accords ultimately failed, the negotiations shaped a new path forward and significantly affected the norms regarding the place of Indigenous Canadians in the federation. To reflect these changing norms, Canada's CLC policy was updated in 1995 to include the negotiation of Indigenous self-government (Alcantara & Davidson 2015). During this period of updating (between 1973 and 1995), 13 comprehensive land claim agreements or modern treaties were negotiated. None of these claims, including the Inuvialuit Final Agreement (1984) and the Gwich'in Agreement (1992), created Indigenous self-government. These processes of policy layering have resulted in the creation of strong regional governance models, yet not all groups have moved evenly towards this realization of regional policy autonomy:

Table 4: Institutional Development & Regionalization in Canada's Northwest Territories[10]

Negotiated Land Claims	Regional Self-Gov't	Regionalization
Sahtu Dene and Metis CLC Agreement[11]	--	Weak (community SG)
Inuvialuit Final Agreement	Ad hoc (Inuvialuit Regional Corp.)	Medium (ad hoc)
Gwich'in CLC Agreement	Ad hoc (Gwich'in Tribal Council)	Medium (ad hoc)
Tlicho CLC Agreement	Tlicho Government	Strong (regional SG)

The regional institutional development of the Northwest Territories (NWT) is illustrative of the processes of regionalization in Canada; the Territory saw some of the earliest movement towards land claims (with the Inuvialuit), while later entrants into the process (the Tlicho) emerge with very different results. Regionalization in the NWT also clearly highlights the degree to which the Canadian model emphasizes identity in the development of regional governance. The implications of timing, identity, and institutional layering on regional models will be further explored in the next section.

Layered authority & ad hoc institutional development

Indigenous regional governance in the North American Arctic has not moved evenly in the direction of strong regional models. In the absence of Indigenous regional self-government, each one of the four regions of interest—the Northwest and North Slope regions in Alaska, and the Gwich'in and Inuvialuit Regions of the Northwest Territories—highlight important intra-jurisdictional tensions brought about by the timing and form of institutional development. Each case has exhibited the combination of (1) institutions undergoing functional conversion, whereby actors harness the abilities of existing organizations to meet new ends; and (2) institutional layering, adding on new institutions to fill in policy gaps (Thelen 2000). Moreover, these cases can be used to expand our understanding of how conversion and layering interact with a third important factor, institutional identity.

Alaska: Timing and institutional development – implications for policy scope

The regions created through ANCSA have not uniformly advanced towards regionalization. Broadly speaking, the regional corporations are weak units of governance. Moreover, they occupy a fraught location in the politics of Alaska. The Native Corporations were designed as self-contained institutions, divorced from Native tribal governance; they were conceived as tools to integrate Native Alaskans into the modern market economy, rather than to act as a bridge between traditional practices and the modern economy (Berardi 2005).

Given this complicated relationship, Native Alaskans did not want to build upon the NRCs as they worked towards developing further institutions of governance (McBeath & Morehouse 1980). Instead, as the relationship between the federal government and Native Alaskans evolved, local tribal governance (at the village level) gained renewed support. In the 1990s, the federal government reaffirmed its nation-to-nation relationship with Alaska Natives, which for Alaska meant the recognition of 229 village tribal governments. Co-management institutions and subsistence policy were layered on top of these tribal governments and focused on the participation tribal organizations, thus securing local governance over regional governance as the model for Alaska. Though the non-profit Native associations generally act as regional coordinating bodies for tribal governments (in most of the twelve regions of Alaska), taking these developments and ANCSA at face value, it is fair to suggest that Alaska has evolved weak regional governance and strong local governance. The North Slope and Northwest regions of Alaska, however, stand apart.

In northern Alaska, two geographically large regional Alaska Native Corporations were created following the passage of ANCSA in 1971: the NANA Corporation in the Northwest and the Arctic Slope Regional Corporation (ARSC) in Alaska's North Slope region. There are two notable factors particular to the space in which these institutions were created. Firstly, the corporate boundaries

covered regions populated by Alaska's Inuit (Iñupiat) population (with high regional population homogeneity). Thus, even though the regions created through the ANCSA corporations were not distinctly "Iñupiat" institutions, strong cultural cohesion through common identity removed an important barrier to regional institutional layering. Second, the virtual lack of any other governance organizations in the two regions meant that there was no real competition over policy. Though tribal government existed to some degree, there was little (if any) real state- or federal-level involvement in the far north.

Building borough government

Though the finalization of ANCSA meant that the resultant NRCs could trade on their land resources and could collect resource revenues on private land development, the lack of a strong system of local governance threatened to undermine the efforts by local Iñupiat populations to control the north. While the ANCSA negotiations moved forward in the early 1970s, the leadership of the North Slope began to organize for 'strong local government.' The North Slope Iñupiat applied to the Local Boundary Commission of Alaska to create the North Slope Borough, a regional municipal government that would share the regional boundaries of the Arctic Slope Regional Corporation. In the early 1980s, the leadership of the Northwest Arctic Region followed a similar path. Following the discovery of a significant zinc deposit in the Northwest region, the leadership of the NANA Regional Corporation and Maniilaq (the non-profit native association) pushed for a regional borough government. The borders of this northwest borough would be geographically identical with those of the corporation, encompassing the future Red Dog Mine development. The North Slope Borough was incorporated as a home-rule regional municipality in 1973; the Northwest Arctic Borough was similarly incorporated over a decade later in 1986.

Despite their similar evolution, the Northwest Arctic Region and the North Slope Region in Alaska have clear differences in the practice of policy authority. For example, the Arctic Slope Native Association (ASNA; the non-profit native association) in the North Slope region has limited policy authority, overseeing the delivery of healthcare services. By comparison, Maniilaq in the Northwest delivers healthcare services but also has a significant role in social service administration, tribal services, and public health. Policy authority and regional service delivery is generally broken down as follows:

Table 5: Policy Authority & Service Delivery

	Alaska					
	Northwest / NANA			North Slope / ASRC		
	Native Corporation	Nonprofit Association	Borough Government	Native Corporation	Nonprofit Association	Borough Government
Economic Development						
Employment Services	X			X		
Workforce Development	X			X		X
Energy – Price Relief	X					X
Land and Wildlife						
Land Use Planning	X		X	X		X
Co-management[12]	X		X			X

Renewable resource management	X					X
Social Services						
Healthcare provision		X			X	
Income Support	X	X		X		
Cultural Services	X	X		X		X
Language Revitalization	X					X
Public Health		X			X	X
Scholarships (education)	X	X	X	X		X
Children & youth services		X				X
Post-Secondary Education						X
Social Services		X				X
Emergency Services			X			X
Tribal Programs						
Village assistance		X	X			
Governance programs		X				
Tribal operations		X				

The timing of institutional development constrained how the regional organization of ad hoc policy authority evolved in northern Alaska. In the North Slope, the borough government was incorporated within two years of the completion of the land claim. Because of this, neither the regional corporation nor the regional native association had the time to expand beyond the scope of their original mandates establish a distinct role in the regional policy (though the scope of the ARSC did undergo functional conversion as it began to creep into educational scholarships, cultural services, and income support, expanding beyond a purely economic role in the region).

Due to the timing of its early creation (relative to the other institutions), the borough carved out a significant policy role in the region by essentially replacing any potential role of the state of Alaska. The North Slope Borough took on policy oversight and delivery for social services (including the regional health department), emergency services (including public safety, the fire department, search and rescue), and housing policy, among others. It is also the organizing body through which most of the regional wildlife co-management structures are managed, thus building a strong relationship with federal and state governments in this policy area. In essence, the North Slope Borough is the regional institution through which most policy development (from social services to regional economic development) occurs, limiting the regional corporation and the regional native association to much smaller mandates.

By contrast, the Northwest Arctic Borough was incorporated 15 years following the finalization of ANCSA. During that period, both the NANA Regional Corporation and Maniilaq (the regional native nonprofit association) significantly expanded on their original mandates to fill in many of the policy gaps within the region. It was not until the early 1980s that the discovery of significant zinc resources in the region precipitated discussions regarding a borough government. With the leadership of Maniilaq and NANA at the forefront of organizing the borough application to the Bureau of Land Management, the resultant institution simply filled in many of the gaps that remained in the governance of Alaska's Northwest.

Regional governance without self-government

An important caveat remains in thinking about regional development in Arctic Alaska. Though these borough governments were created in Indigenous-majority regions, they are not regional Indigenous governments. Regional Indigenous governments, such as those found in Canada, have citizenship models based on ethnicity (in which voting members belong to a specific Indigenous group, as do all candidates for leadership). In contrast, the borough model is a public government that has a citizenship model based on local residency. That is not to say that public governments cannot operate as *de facto* Indigenous governments, depending on population makeup. Indeed, that is very much the case in the two northern regions of Alaska, both of which currently have majority Indigenous populations and all-Native councils.

Table 6: Alaska's Northern Boroughs

Borough Name	Population (2010)	% Native (2010)	Area (square miles)
North Slope	9,430	55.4%	~88,800
Northwest Arctic	7,523	82.0%	~36,000

Furthermore, while the Northwest Arctic Borough and the North Slope Borough are public governments, they tie the operation of governance to the local Iñupiat culture. The municipal code of the North Slope Borough notes "the very existence of the Code is proof that the Iñupiat of the North Slope have succeeded in returning self-rule to their land" (North Slope Borough Code 2015). Meanwhile, the Northwest Arctic Borough "recognizes the Iñupiaq language as the language of the original people of the borough" and it is the policy of the borough to perpetuate the use of the Iñupiaq language as a key part of the region's culture and values (Northwest Arctic Borough Code 2015).

However, because the boroughs are tied to the principles of local government rather than to the principles of Indigenous self-government, they are vulnerable to population shifts. Though the Northwest Arctic Borough's population has remained relatively constant over the last four decades, sitting at 85% Alaska Native, the North Slope has seen its proportional Native population drop significantly from approximately 85% in the early 1970s to 54% in 2010 (ISER 1970; State of Alaska 2015). This has not yet begun to affect the makeup of the borough governments; nonetheless, the potential remains and is obvious in other venues. For example, while the population of the village of Kotzebue is similar to the Northwest Arctic Borough as a whole (at approximately 85% Native Alaskan), the public municipal government of Kotzebue is only 28% Native Alaskan (2 of 7 councilors).

Northern Canada (NWT): identity and institutional development

In Canada's Northwest Territories, three groups finalized their land claims prior to the federal government's 1995 decision to include self-government negotiations as part of the process of Comprehensive Land Claims, thus ensuring the development of strong regions from that point forward. In each of these three cases, regions were co-determined on questions of identity—the claims put forward (and which ultimately formed the finalized agreements) were based on a culture and history of traditional land use, and on distinct Indigenous identities: the Gwich'in claim was advanced

by the Gwich'in First Nation; the Inuvialuit claim (a northern Inuit group) split off from the larger Inuit land claim that would later create Nunavut; and the Sahtu land claim brought two groups together, combining the overlapping interests of the region's Dene and Métis populations under a single land claim. Two of these land claims groups—the Gwich'in and the Inuvialuit—have advanced towards stronger regionalization in the absence of negotiated self-government, while the third—the Sahtu land claim—is moving in a direction of Alaska's broader model of governance (perhaps due to the similar nature of its regional population heterogeneity), with a regional land claim and the development of community self-government.

Despite operating under a policy framework that kept self-government off of the table during the land claims negotiations, both the Inuvialuit and the Gwich'in have long pushed for strong regional governance. From the beginning of their land claims negotiations in the mid-1970s, the Inuvialuit made clear their desire for regional self-government to manage administrative policy responsibilities and health and social service delivery to the Inuvialuit population. Indeed, the model favoured by the Inuvialuit resembled something quite like Alaska's model of borough government. As early as their first land claim document, *Inuvialuit Nunangat,* the Inuvialuit leadership pushed for the development of regional public government, with the ability to tax development for revenue (IRC 2009). The Gwich'in claim also attempted to move in the direction of self-government. However, in the absence of the updated policy that would come just three years later, the Gwich'in could not fully secure their preferred option (though the land claim included the provision that the group could enter into separate self-government negotiations at a future date).

As both groups continued to press the federal government for self-government, Inuvialuit and Gwich'in leadership decided that, in light of the geographic overlap of the two populations in the Northwest Territories, they would combine their push for self-government in the form of the Beaufort-Delta Regional Government (Alcantara & Davidson 2015). The Beaufort-Delta government would have transferred federal and/or territorial jurisdiction over health and education, social services, justice and policy, among other areas, to the new regional government (GNWT 2001; for a full breakdown, see Table 7). Though negotiations advanced and an Agreement-in-Principle was signed in 2000, the Beaufort-Delta claim ultimately fell apart. In 2003, the Gwich'in withdrew from the joint negotiations for the Beaufort-Delta government, saying that the Agreement-in-Principle no longer represented the goals of the Gwich'in population (for a more complete view of the dynamics present in this decision, see Alcantara & Davidson 2015). Both groups have since begun negotiating separate, more limited, forms of Aboriginal self-government.

Building de facto models

Had the Beaufort-Delta government been established, there would have been a clear increase in the policy authority of the Gwich'in and the Inuvialuit in the realm of social policy. Many of the social policy areas that the Gwich'in Tribal Council (GTC) and the Inuvialuit Regional Corporation (IRC) currently operate in (seen in Table 7) would have been consolidated and moved over to the new government (such that the IRC and GTC would have operated under smaller mandates). Similarly, under the proposed Beaufort Delta government, the Territorial government would have transferred the jurisdiction over many of the remaining human and social development policy areas.

Table 7: Policy Authority & Service Delivery

	Canada		
	Inuvialuit Region		Gwich'in Region
	Inuvialuit Regional Corporation	Beaufort-Delta Public Government	Gwich'in Tribal Council
Economic Development			
Employment Services	X		X
Workforce Development	X	X	X
Energy – Price Relief			
Land and Wildlife			
Land Use Planning	X		X
Co-management	X		X
Renewable resource mgmt.	X		X
Social Services			
Healthcare provision		X	X
Income Support	X	X	X
Cultural Services		X	X
Language Revitalization	X	X	X
Public Health		X	X
Scholarships (education)	X		X
Children & youth services	X	X	X
Education (K-12)		X	
Post-Secondary Education		X	
Social Services		X	X
Emergency Services		X	
Local Government		X	
Taxation		X	
Justice and Policing		X	

The promise of strong regional government remains for these two Canadian cases (and the Inuvialuit have announced that they have finalized an Agreement-in-Principle on self-government; CBC 2015), however, the eventual outcome of regional Indigenous governance will likely be more limited on policy scope and jurisdiction. Nonetheless, in the absence of self-government, these two regions have clearly carved out a policy space.

Regional governance without self-government

For both the Inuvialuit and the Gwich'in, regional institutional development has been highly constrained by factors of institutional identity. For the Gwich'in, the land claims institutions developed in 1992 were actively integrated into the Gwich'in Tribal Council, the existing Gwich'in institutions of First Nations government recognized under the *Indian Act*. Upon settling the Gwich'in Land Claim, the new institutions of governance (including the regional regulatory boards and the Gwich'in Development Corporation, akin to the NRCs) were folded into the pre-existing institutions of First Nations governance. The Gwich'in have moved into program delivery, building on the provisions in their agreement for administrative governance. Today, the Gwich'in Tribal Council has departments overseeing regional health and wellness, language and cultural services (through the Gwich'in Social and Cultural Institute), land management, and educational scholarships, among others. However, one

important issue remains for the Gwich'in as they work towards self-government. In most cases, the negotiation of self-government means that the federal *Indian Act* no longer applies to self-governing Aboriginal governments. This was one of the major sticking points in the negotiation of the Beaufort-Delta government, as the Gwich'in were not prepared to dismantle the existing institutions of tribal governance in favour of a new model (Alcantara & Davidson 2015). As they continue to move towards Aboriginal self-government, these institutions may have to once again change, allowing a new form of regionalism evolve.

By comparison, as an Inuit population in Canada, the Inuvialuit had to rely on building out their governance regime from the organizational structures established through their land claim (the Inuvialuit Final Agreement 1984). With the exception of the Committee of Original Peoples Entitlement—the Inuvialuit land claim advocacy group that operated throughout the 1970s—there were no distinctly "Inuvialuit" institutions that pre-dated their land claim. Thus, the expansion of regional Inuvialuit governance has been operationalized through the land claims institutions: the Inuvialuit Regional Corporation (IRC) and the Inuvialuit Game Council (IGC) (Wilson & Alcantara 2012). Through these organizational bodies, and in the absence of regional government, the Inuvialuit leadership expanded the role of the IRC into policy areas traditionally thought to belong to government. After implementation, the IRC not only took on the role of negotiator for self-government, but also quickly moved into social program development and service delivery. This has included the delivery of social services, income support, and public and community health programs, among other policy areas (Wilson & Alcantara 2012). They have a role in delivering the Inuvialuit Child Development Program, the Inuvialuit Cultural Resource Centre, and coordinating the Brighter Futures program, accessing federal government funds to expand into these policy areas.

Despite the setback faced in establishing a regional public government, and in the absence of securing fully negotiated Indigenous self-government, both the Inuvialuit and the Gwich'in have carved out *de facto* models of regional governance. They have been constrained in their development by the tight relationship between institutions and identity (which acted as a barrier to building a regional Beaufort Delta government). However, by building on their existing institutions of governance, they have transformed more narrow organizational mandates into something much more far-reaching in the interim.

Conclusion: capitalizing on capacity

Indigenous groups in Canada and the United States have clearly moved the Arctic towards a model of regional Indigenous governance, and today they have a role in the development of policy and delivery of programs and services. However, the factors of timing and institutional identity have constrained the ability of some regions to advance towards strong models of regionalization.

As a general observation, the early entrants into land claims have had the most difficultly in securing coordinated regional models of governance. This has been true for most of the regions within the state of Alaska (which collectively settled in 1971), and for the Inuvialuit, Gwich'in, and Sahtu regions in the Northwest Territories (each of which settled their claims prior to the 1995 policy change on self-government). As a second general observation, those regions with homogenous populations have

had fewer barriers to institutional layering (and thus the development of stronger regions with ad hoc authority) than more heterogeneous regions. This helps to explain both the emergence of strong regional models in the Iñupiat-inhabited northern regions of Alaska, and sheds light on the decision of the Sahtu region to explore community self-government. It is also an important intervening factor in understanding why the combined Gwich'in-Inuvialuit regional government did not advance as a successful model. Both timing and identity have structured how institutions have layered on top of one another to create strong models of regional governance in the north.

Unpacking ad hoc regional Indigenous authority is key to understanding one of the primary mechanisms through which local Indigenous populations interact with Arctic policy. Though some cases see the promise of more 'concrete' regional self-government, other regions will continue to operate in more dynamic models. By focusing on these ad hoc models, we have a better understanding of the ways in which Indigenous organizations have transformed their operations to expand into new policy areas. As such, we have a better understanding of the existing regional capacity and the opportunities for building partnerships with other levels of governance. For example, as the Arctic Council continues to tackle the challenges that come with coordinating Arctic search and rescue, the resources and experiences of Alaska's northern borough governments—which have been conducting policy and service delivery in this area for over thirty years—may provide some important lessons. Meanwhile, northern Indigenous governments in the Canadian north can tap into resources and knowledge from other regions that have faced (or are facing) similar population, infrastructure, and fiscal challenges. This exploration presents a starting point for understanding both how new regional organizations interact intra-jurisdictionally and inter-regionally across new regional borders. Ultimately, despite the many barriers to their creation, these regions are poised to carve out an even greater role in territorial and international Arctic development.

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Notes

1. The classical definition of regionalism, developed by Michael Keating and John Loughlin, defines regionalism as pressure from a region (by regional political elites) towards the central government demanding more (cultural) autonomy, social priorities, democratization, and decentralization. The processes explored in this paper do not always fit neatly under this definition, as the definition presumes that region is largely pre-defined. The process of land claims—whereby regional Indigenous elites place pressure on the central government to

transfer autonomy and authority to new structures of governance—suggests the *creation of new* and/or the *solidification of existing (but abstract)* boundaries: while Indigenous traditional lands and territories are bounded conceptually, the modern land claim process institutionalized these boundaries within western legal and political traditions. This paper does not cover all the possible ways and forms that local mobilization engages in processes of regionalization, and there may be opportunities to better tease out 'traditional' regionalism from processes that occur under 'indigenous regionalism / self-governance'.

2. The Inuit Circumpolar Council, the Aleut International Association, the Arctic Athabaskan Council, the Gwich'in Council International, the Russian Association of Indigenous Peoples of the North, and the Saami Council.
3. Alaska has 229 federally recognized tribes.
4. To date, only the Deline community self-government agreement has been finalized, though the other communities within the boundaries of the regional land claim are currently in negotiations.
5. In their paper, Alcantara & Wilson define intra-jurisdictional relations as the "relationships between separate governance bodies within a single jurisdictional unit" (45). Thus, these relationships operate in a clear geographical and regional location.
6. A 13th corporation was also created for Alaska Natives no longer residing in the state. As such, it is not a "regional corporation" as its endowment did not include a geographical unit within the state of Alaska.
7. By May 17, 1967 the following claims (Native Protests) had been made to the Department of the Interior: (1) Mentasta; (2) Gulkana; (3) Copper Centre; (4) Yakataga; (5) Lake Aleknagik; (6) Stevens Village; (7) Birch Creek; (8) Minto; (9) Nenana; (10) Tanacross; (11) Prince William Sound; (12) Anvik; (13) Northway; (14) Chilkoot; (15) Cantwell; (16) St. George Island; (17) Eklutna; (18) Bethel; (19) Southeast; (20) Katalia; (21) Copper River; (22) Kaltag; (23) Huslia; (24) Kotzebue; (25) Anaktuvuk Pass; (26) North Slope; (27) Venetie and Arctic Village; (28) Chalkyitsik; (29) Eagle; (30) Seward Peninsula; (31) Knik; (32) St. Lawrence Island; (33) McGrath; (34) Nondalton; (35) Kenai; (36) Tanana; (37) Alaska Peninsula-Kodiak; (38) Holy Cross; (39) Kotzebue.
8. Local leaders would also include a fourth regional institution: the school board, overseeing education policy.
9. These boards include land and water boards, renewable resource boards, and environmental impact review boards (though some of these are being threatened under new legislation which would merge many of these boards into a single super-board).
10. The table does not include the ongoing land claims negotiations within the Territory.
11. Self-government is being negotiated for the communities of: Deline (finalized); Colville Lake; Fort Good Hope; Norman Wells; and Tulita.
12. Note: Co-management, and the degree to which the institutional structures of Indigenous co-management are reinforced through federal statutes and relationships differ between Canada and the United States.

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Arctic Council Environmental Initiatives:
Can the United States Promote Implementation?

Erica Dingman

When the United States assumed the Arctic Council chairmanship in 2015 they came with the intent to promote full implementation in all Arctic states of the Black Carbon and Methane Task Force recommendations. Reduction of these short-lived climate forcers (SLCFs) would have multiple benefits for environmental and human health, and reduce emissions that are a cause of global warming. Yet, with a history of pollutants migrating to the Arctic from elsewhere, and inherent limitations at the Arctic Council, is to suggest that a paradigm shift is in order. Thus, to the extent that the U.S. has the capacity to exert influence, implementation of emission reductions must start at home and likely requires robust engagement of outside actors. This article will address how the U.S. is demonstrating an intent to tackle SLCFs, specifically black carbon, through policy and regulation; the role of renewable energy sources in Alaska; and why an engaged private sector is critical. To engender change will require a multi-level cross-sector approach.

"A degenerative disease will not be cured by procrastination. It requires decisive action."

- Peter F. Drucker, The Theory of the Business, *Harvard Business Review*

Introduction

When the United States assumed the Arctic Council chairmanship on April 24 2015, Secretary of State John Kerry remarked at the Legislative Assembly of Nunavut in Iqaluit, Canada that "One of the biggest challenges everybody has talked about today is climate change. The numbers are alarming, and that's putting it mildly" (Kerry 2015). Toting a self-acknowledged 'ambitious agenda' the U.S. will address the impacts of climate change, which includes promoting full implementation in all Arctic states of the *Task Force on Short-lived Climate Forcers* and *Task Force on Black Carbon and Methane* (2013)

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recommendations. Reduction of short-lived climate forcers, such as black carbon and methane, would have multiple benefits for human health, agriculture and ecosystems to aid in reducing the potential for crop failure, early death, and planetary warming. Observation of pollutants in the Arctic has long been recorded, and the sheer plentitude of documentation originating from the Arctic Council alone attest to the challenges that lay ahead.

This article considers the narratives, policies and actions taken to address the well-known evidence of Arctic pollution, specifically black carbon, also known as soot. To what extent is the U.S. able to exert influence beyond national borders in the implementation of short-lived climate forcer reductions? What actions has the U.S. taken at home? For it is by example that the U.S. can best engage other nations to develop measures and implement existing policy to mitigate the effects of climate change.

Pollutants: Documentation & a slow road to action

The appearance of possible pollutants in the Arctic first occurred in the late 1880s with the observation of 'dark stains' on Arctic snow and ice by Norwegian explorer Fridtjof Nansen. From the 1940s to the 1960s U.S. weather reconnaissance flight crews reported observations of "dense haze that extended for thousands of miles" over the Arctic (Soros 1992: 8). However, it was not until 1987 when President Mikhail Gorbachev appealed to the international community in Murmansk, Russia calling for demilitarization of the Arctic region that the stage was set for multilateral engagement on environmental protection. A significant outcome of his now famous speech was the formation of the Arctic Environmental Protection Strategy (AEPS) in 1991 (Heininen 2011), which represented a "collective, circumpolar approach toward environmental issues," (Canadian Arctic Resources Committee 1993-94).

In the United States, pressing concern about the environmental legacy of nuclear arms led to the 1992 *U.S. Senate Hearing Select Committee on Intelligence, Radioactive and Other Environmental Threats* to the United States and the Arctic resulting from past Soviet activities. The proceedings, which took place in Alaska, made public the extent to which Soviet radioactive contaminants from nuclear reactors, accidents and "reckless nuclear waste disposal" had permeated the Arctic region, reaching the shores of Alaska (United States 1992: 2). Yet Alaska's Senator Frank Murkowski, the Committee Vice Chairman, proclaimed that radioactive containments were "just a part of a larger Arctic pollution problem," a point that was reiterated in the testimonies of numerous others throughout the proceedings (ibid). Pollutants in the Arctic region, he noted, including "small amounts of heavy metals possibly from industrial pollution or Arctic Haze," had contaminated the principle food source of Alaska's residents including walrus and other marine mammals (ibid).

Of course, Russia alone was not the only offender. At a 1993 workshop on Arctic contamination, Murkowski (1993) stated that North American Distant Early Warning, or DEW Line, sites in Alaska (these sites extended from the Aleutian Islands to the Atlantic Ocean) and over 150 U.S. defense sites in Alaska alone had been identified as waste sites contaminated by North American Cold War testing, storage, disposal, and dumping of radioactive tracers. As was argued by numerous witnesses during the *U.S. Senate Hearing on Soviet Activities*, Murkowski (1993) urged the U.S. to support the Arctic Monitoring and Assessment Programme (AMAP), the cornerstone of AEPS, and pressed Washington

for funding sufficient for monitoring and clean up.

Indeed, it was unclear as to whether AEPS, and later the Arctic Council (AC), would garner the required pan-Arctic political attention and financial commitment required to deal with the "serious consequences of transboundary environmental issues" (VanderZwaag, Huebert & Ferrara 2002:2). According to a 2002 report, the AC had "largely involved studying and talking about environmental problems with little concrete action," and noted, "between 1994 and 1996, AMAP was allocated only $ 3,875,200" (ibid: 9). While in principle all Arctic Council member states have, since inception, committed to environmental protection in the Arctic, the Council remains soft law-based, focused on developing non-legally binding guidelines and recommendations (ibid).

Such is the case with black carbon and methane emissions reductions. Indeed, the Iqaluit 2015 SAO (Senior Arctic Officials) Report to Ministers, *Enhanced Black Carbon and Methane Emissions Reductions: An Arctic Council Framework for Action, Annex 4* (Arctic Council 2015a), outlines the agreed upon voluntary actions expected of Arctic states and realized "through the development of national actions or action plans or mitigation strategies, which can include setting of aims and objectives, implementing policies and regulations, identifying best practices and awareness-raising activities." But the Council Framework indirectly acknowledges that action is a long-term process, thus seeks to "promote enhanced action over time" (ibid). Furthermore, the Framework encourages other stakeholders, including civil society, other governments, financial institutions and academia to play a key role in helping to reduce emissions and seeks to "encourage mainstreaming of considerations of these emissions into their broader funding decisions" (ibid).

Short-lived climate forcers: the role of black carbon

Environmental issues have remained at the forefront of Arctic cooperation, first through AEPS and now through the Arctic Council (AC). Indeed, the AC has gained considerable recognition for their science-driven reports, most notably the *Arctic Climate Impact Assessment* (2004). To address the issue of short-lived climate forcers (SLCF) the 2009 Tromsø Declaration launched the *Task Force on Short-Lived Climate Forcers*. The resulting report, *Recommendations to Reduce Black Carbon and Methane Emissions to Slow Arctic Climate Change* (2013) concluded, "Immediate reductions in black carbon and methane can slow Arctic warming over the next few decades", but that simultaneous carbon dioxide (CO_2) emission reductions are critical to "preventing dangerous levels of climate change over the long term" (2). Based on these findings *the Task Force for Action on Black Carbon and Methane (TFBCM) was* established at the 2013 *Kiruna Ministerial Meeting with the mandate to develop* actionable arrangements *to achieve reductions of black carbon (BC) and methane in the Arctic.*

As a 2013 scientific study confirmed, the impact of present BC emissions is considerable but that antecedent conditions can be traced back to industrialization. *In what is hailed as a 'landmark' scientific study* published in the *Journal of Geophysical Research-Atmospheres (2013) the direct impact of* BC is twice that of previous assessments. According to the study, BC, a leading cause of global warming second only to CO_2 emissions, is found to have a direct negative impact on snow, ice, and cloud effects (International Geosphere 2013). This would seem contrary to the AC *Task Force on Short-lived Climate Forcers Recommendations to Reduce Black Carbon and Methane Emissions* (2013: 2), which states "Methane is

estimated to be the second most important greenhouse gas (GHG) emitted by human activities after CO_2," though the Report does acknowledge the study's then-recent findings.

Another scientific assessment that chronicled BC dating established that by the 1890s biofuel produced from open burning was the leading cause of BC emissions, followed by coal emissions from the 1880s to the 1950s, with the addition of diesel and return of biofuel by the latter half of the 20th century (Bond et al. 2007). At present, diesel engines and traditional biofuel account for 90% of BC emissions, with the addition of gas flaring which is associated with significant emissions in the high north (Bond et al. 2013). Together these pollutants contribute to destabilization of the cryosphere and rising temperatures (AMAP 2011). From a global perspective, the long-range impact of Arctic warming has a significant influence on weather patterns and rapid warming of the Northern Hemisphere, also affecting the monsoon season farther south (International Geosphere 2013). Moreover, melting land ice and glaciers do contribute to global sea-level rise (National Research Council 2015).

Keeping in mind that CO_2 emission reductions are paramount, BC reductions offer an achievable control over short-term local warming effects. For its part, the U.S., in cooperation with all Arctic nations, can enable the political direction required for the reduction of SLCF, starting at home. From a national perspective, the U.S. expects a decline in BC emissions of 86% by 2030 based on existing regulation (Environmental Protection Agency, n.d.) This is largely implemented through the Environmental Protect Agency (EPA) under the Clean Air Act, which continues to issue a host of federal regulations and standards directed at lowering toxic emissions. Further incentives are specifically directed toward development of renewable energy projects. In 2009, US$13.3 billion in federal loan guarantees was made available to 16 solar power projects. Adding to existing funding, on August 24, 2015, President Obama announced an additional US$1 billion directed toward "new, innovative projects," including renewable energy and energy efficiency (White House 2015). These incentives represent a host of policy and regulatory instruments recently introduced by this administration to reduce the nation's BC inventory. This serves as a compliment to the U.S. Arctic strategy on short-lived climate pollutants, in tandem with plans to expand the U.S. renewable energy partnerships in Alaska's remote communities (White House 2014a).

Alaska's renewable energy potential

Political will and government policy can either enhance or hinder the advancement of a climate-friendly energy transition. Policy that attracts private investment and takes into account the cost of fossil fuel carbon emissions will more likely encourage development of renewable energy sources and technology. This can be achieved through numerous policy instruments including taxes, emissions trading and subsidy reform (Kaygusuz 2012: 1123). Without such reform on a global scale some estimate "that the energy mix will rely primarily on fossil fuels (80%) and energy-related CO_2 emissions will increase by 55%" (ibid: 1117). Relative to black carbon, however, the United Nations Economic Commission for Europe (UNECE 2011) projects that emissions will decline by one third between 2000 and 2020 primarily as a result of existing legislation directed at the transportation sector. An additional 20% reduction could be achieved through additional measures, the largest share of which

results from residential combustion remediation. Notably, "nearly 50% of the remaining mitigation potential for black carbon emissions in the UNECE region is to be found in the residential heating sector". Although the U.S. and Russia are responsible for nearly 50% of these emissions, the U.S EIA Annual Energy Outlook (2015) reports that federal tax credits and state renewable portfolio standards have driven a relatively robust growth of non-hydropower renewable sources. Renewable energy generation is projected to increase by "72% from 2013 to 2040, accounting for more than one-third of new generation capacity" (Energy Information Administration 2015: ES-6).

In Alaska, renewable energy generation investment increased "dramatically," driven by both a desire for energy security and as a means of reducing the high cost of energy delivery, particularly in remote 'islanded' locations where infrastructure is lacking, according to the *Implementation Plan for Alaska's Arctic Policy* (2015). These drivers have prompted a wealth of research and development in new energy technology, public-private partnerships and a knowledge-based community. As an example, in the last ten years innovation has led to the growth of over 100 microgrid and related businesses designing techniques to feed renewables into isolated energy grids. The *Plan* seeks the support of the legislature to promote Alaska's potential as a "global leader in microgrid deployment and operation to advance a knowledge-based export economy, creating new jobs and revenue for the state," an aspiration potentially within reach given new alliances in the microgrids market such as that between ABB and Samsung SDI (Energy Industry Times 2015: 9).

Indeed, technology, logistics and economics are both drivers and conversely deterrents to clean energy development, particularly in remote Alaska locations where diesel-dependent indigenous communities are "facing an unprecedented crisis" (Sikka, Thorton & Wori 2013: 1), thus prompting community-driven renewable energy projects. By transforming the energy system a community not only reaps the benefit of reliable and cost effective energy delivery, but renewable energy development contributes to local decarbonisation and can also create a pathway to local economic development and job creation (Sikka, Thorton & Wori 2013). Conversely, numerous challenges limit rapid expansion of Alaska's renewables – integration logistics with existing power grids is difficult given the highly limited infrastructures; fossil fuel subsidies deter investment into renewable energy; initial investment is often costly and investors are less likely to commit financial backing to projects that are yet commercially viable.

Access to affordable energy is uneven throughout Alaska ranging from reasonable pricing in 'urban' areas to exceedingly costly in rural communities disconnected from the central grid. Whereas urban residential customers located in the Railbelt Region, inclusive of Anchorage and Fairbanks, paid as little as 10 cents per kilowatt-hour in 2011, remote rural communities located in Western and Interior Alaska that rely primarily on diesel for heating and electricity paid roughly 50 cents to more than $1.50 per kilowatt-hour (Ginny, Villalobos Meléndez & West 2012: 7). Prompted by these high costs and environmental regulations, the Denali Commission and Alaska Renewable Energy Fund are tasked as the primary financial sources of rural renewable energy projects (Ginny, Villalobos Meléndez & West 2012).

Established in 1998, the Denali Commission is designed as a cost-effective vehicle for the delivery of federal government services to remote, primarily indigenous, Alaskan communities, with a mandate

to promote rural development, provide power generation and infrastructure requirements. The Commission works closely with the Alaska Energy Authority (AEA) and Alaska Village Electrical Cooperative (AVEC) to provide funding and support for renewable demonstration projects and career training for local residents with a focus on community sustainability. Additional support comes from a variety of government agencies. However, the Commission is constrained by fluctuating and now declining federal funding: "During the 14 years of the Commission's existence, federal budget authority has been as low as $10 million, has expanded to as much as $140 million a year, and over the past four years has steadily declined to $23.9 million," equal to funding in fiscal year 2000 (Denali Commission Alaska 2014: 10).

Despite hurdles numerous projects are showing varying degrees of success in wind, hydro and modern biomass increasing access to a stable energy supply while decreasing their reliance on diesel. These projects encourage integration of energy supply development with the greater needs of the community (Denali Commission Alaska 2014).

- With AEA support the island community of St. George developed an integrated energy supply using wind technology, which at peak has delivered 80% of community power supply. Once dependent on diesel shipped from Anchorage, and occasionally Seattle, Washington, the community now expects that wind turbines will fulfill 50% of local energy requirements including growth of its commercial fishing operation (Alaska Energy Authority 2014).
- Started in 1968, AVEC (About Us) is a non-profit collective serving 56 remote communities, representing the interests of members who are culturally Athabascan, Aleut, Inupiat, Yupik, Siberian Yupik, and Caucasian. Grants from the Denali Commission are funding efficiency upgrades for more than 150 diesel generators, and 34 wind turbines installed in 11 communities are targeted to replace 25% of diesel consumption by 2018. Hooper Bay, AVECs largest community of 1,160 residents, "will displace about 44,500 gallons of diesel fuel [annually] used for power generation."
- Developed in 2007, the Tanana Washateria project is showing promising results. The instillation of two high-efficiency wood-fired Garn heating boilers, which heats this laundry and shower facility, has reduced oil consumption by 30% and saved the community tens of thousands of dollars. In addition woodcutters earn $250 per cord of wood and money remains at home rather than leaving the community in payment for diesel (University of Alaska Fairbanks, Case Study: Tanana).
- The fishing community of Craig installed a biomass energy system fuelled by wood chips from the local sawmill to offset a monthly fuel bill in excess of $10,000 that provides heat for 2 local schools and the community swimming pool. The wood-fired system has displaced 85% diesel and propane use and the community expects the $1.5 million investment to pay for itself in 12 years (University of Alaska Fairbanks, Case Study: Tanana).

The potential for renewable energy coupled with sustainable socio-economic development is examined in a study (Sikka et al. 2013) conducted in cooperation with the Native Corporation Sealaska and its subsidiary organization Haa Aaní, LLC, located in the nation's largest forest, the Tongass National Forest region, to which Sealaksa holds title. Concerned with outmigration Haa Aaní invested

in the development of numerous new businesses including the processing of wood-pellet biomass as a means of providing employment and economic stability for community members. Further study by the report's authors showed that the residual byproducts of the logging industry could have substantial economic, environmental and social benefits. Community members reap the benefits of energy cost savings and job creation spurring new business; the net environmental benefits of switching from oil to biomass results in significant CO_2 emission reductions and modern biomass technology addresses air quality issues traditionally associated with wood-fuel combustion exhaust, including reductions in black carbon. But, numerous impediments hinder the development of renewables, the least of which is the need for investment. "Sealaska leaders believe that favorable policies, such as tax on fossil-fuel carbon emissions could play a pivotal role in the adoption of wood-pellets for energy" (9). In addition the authors suggest that renewables would benefit by feed-in tariffs, investment subsidies for heating conversion, and tighter environmental regulations at local, state and federal levels (Sikka, Thorton & Wori 2013).

Unlike traditional biomass techniques, modern biomass technology relies on locally available wood chips and shavings, lumber off-cuts or fast-growing tree wood such as willows and alders that thrive in Alaska's conditions. If managed properly biomass can be a clean renewable energy source, resulting in considerable savings for communities otherwise dependent on diesel and propane. Concerns that biomass will produce additional GHG emissions and pollutants are largely addressed by modern bioenergy systems that sequester harmful emissions, however emissions released from combustion must be in balance with fast-growing reforestation (Renewable Energy Policy 2014: 32). Mitigating black carbon through modern biofuel installations reduces emissions substantially and can slow the pace of warming in the Arctic (Bond et al 2013).

Alaska is endowed with the full menu of renewable energy source potential —geothermal, wind, tidal, wave, hydro, biomass and even solar—which if developed could meet most state-wide energy needs and provide additional socio-economic opportunities. However, Alaska's renewable energy potential must be understood relative to the state's prime source of revenue; offshore oil exploration projects are considered "critical to Alaska's economic stability" (Alaska Arctic Policy Commission 2015: 11). Indeed, the 2015 National Petroleum Council (NPC) *Arctic Potential Report* notes that fossil fuels generate approximately 90% of Alaska's general revenue and a third of its jobs. The report claims that projects beginning within the decade will increase economic activity and employment for anticipated production coming online in 20 to 30 years. To attain such results, NPC maintains that "Industry and government have a shared responsibility to gain and maintain the public trust," and that the "effects [of development] must be understood with any negatives minimized" (32). The NPC report advises the U.S. Arctic Council chairmanship to promote Arctic fossil fuel development on a region-wide scale and recommends that they "should seek to strengthen the Arctic Economic Council's formal interaction and engagement with the Arctic Council as well as to promote its business advisory role" (National Petroleum Council 2015: 53).

Offshore fossil fuel extraction in the Arctic is projected to grow in the future (Hossain, Koivurova & Zojer 2014), driven by increased accessibility due to Arctic warming and the decreasing supply of conventional oil reserves that flatlined in 2005 (Mearns 2014). In Alaska, the Prudhoe Bay oilfield,

North America's largest oil field, extraction peaked in 1988 (Energy Information Administration Alaska 2014). Coupled with Alaska's present US$3.6 billion budget deficit (State of Alaska 2015), and high wage-earning potential that averaged US$127,148 in 2012 (Fried 2013), the desire for offshore exploration is considerable. To that end, in August 2015 Royal Dutch Shell received final approval from U.S. Department of Interior's Bureau of Ocean Energy Management (BOEM) to resume work in the Chukchi Sea halted in 2012 when its main drilling rig ran aground. Shell has already invested US$7 billion in exploration for oil in the Arctic (Gardner 2015).

But the consequences of offshore oil extraction are considerable. Only months before BOEMs approval of Shell's project, the agency's own *Environmental Impact Report* (2015) reported that in a scenario based on the lifetime of a drilling project in the Chukchi Sea that there is a "75% chance of one or more large oil spills," and also estimates the chance for 800 small oil spills. "Even under the best of conditions," NPC (2015: 44) acknowledged, "one can never expect to recover all of the oil from a large spill on water."

Indeed, the potential, if not likelihood, of future oil spills are clearly exemplified by the 1989 Exxon Valdez accident and the 2010 Deepwater Horizon blowout, but seem not to deter expansion of offshore drilling. In the aftermath of the latter Walter Parker, chair of the *Alaska Oil Spill Commission* responsible for the Exxon Valdez oil spill investigation said, "It's as though we had never written the report" (Struzik 2015: 156).

Despite past oil spills, government reports and vast scientific study, efforts to drill in the Arctic are ongoing. A scientific study published in Nature (McGlade & Ekins 2015) said: "We show that development of resources in the Arctic and any increase in unconventional oil production are incommensurate with efforts to limit average global warming to 2 °C. Our results show that policy makers' instincts to exploit rapidly and completely their territorial fossil fuels are, in aggregate, inconsistent with their commitments to this temperature limit."

As the case of Alaska shows, the fledgling development of renewable energies juxtaposed with fossil fuels represents the dueling perspectives. In what is known as the 'energy paradox', Jaffe and Stavins wrote in 1994, "In the long run, the development and widespread adoption of new technologies can greatly ameliorate what, in the short run, sometimes appear to be overwhelming conflicts between economic well-being and environmental quality" (92). This brings to the forefront the question of governance. What is the state of environmental governance when Arctic warming, and broadly climate change are up against the economics and availability of fossil fuels?

Unraveling governance

The concept of governance for the changing Arctic is a challenging question for even the most seasoned of Arctic experts (Koivurova 2012; Young 2013). What are the possibilities and limits of the Arctic Council? What roles do international fora and national policy play in the governance of Arctic development and conservation? For purposes here, I propose that the AC needs to govern for conservation while national policy, writ large, must compliment the principle of environmental protection. If in fact the object of desire is to curb global warming, scientific studies, some of which

I have cited within, strongly suggest that an ongoing cycle of fossil fuel dependency is the bane of sustainable environmental protection. That said the limits of the Arctic Council, as well as national and international bodies are not inconsequential. Although I have not addressed the specific needs of Arctic indigenous peoples, the desire for economic development through responsible non-renewable resource development may be without recourse if suitable options are not available.

To avail ourselves of a broad understanding of environmental governance potential, Young (2013: 2) comments that the human-environmental interaction is key. The environment is not governed, but rather "What we can aspire to manage, or more generally, govern are human beings." In this examination of environmental governance solving for complexity – collective action problems, multi-level and cross-sector interactions, and governance for times of turbulence – demonstrates the sheer breadth of multi-level engagement required to overcome the challenges of global climate change embedded with the rapid acceleration of Arctic change. At all levels, from the local to the global, the process is highly political fraught with impediments from policy inaction, a disconnect between those that create environmental problems and those most affected, to matters of compliance. Knowing this, solving for what is viewed as particularly daunting – "climate change presents a stiff problem" – Young (2013: 153) makes the case for identifying specific features and "devising regimes that fit the essential features of the problems at hand, thereby maximizing the chances of success in problem solving."

Specific to how Arctic governance functions, Koivurova (2012: 31) notes that the AC "has mainly served as a platform for Arctic actors to discuss Arctic policy issues, with occasional soft-guidance documents adopted… Overall, however, the AC was developed for a region that requires a minimum of governance." Yet, Arctic warming and increased economic interest have compelled AC member states to develop initiatives that take on aspects of regulatory frameworks including the legally-binding *Agreement on Cooperation on Aeronautical and Maritime Search and Rescue in the Arctic* (2011), and *Agreement on Cooperation on Marine Oil Pollution, Preparedness and Response in the Arctic* (2013). As Koivurova (2014) remarks "This view of the importance of treaties is, of course, very comforting for international lawyers: when things get serious, international legal instruments, treaties, are needed." On the other hand, because the AC is a non-treaty-based forum it has allowed for "soft-law cooperation [that] enables better participation by the region's actors," and decision making ultimately guided by the eight sovereign nation-states. Thus, to understand how the human-environmental interaction will be governed for future developments we need to consider inter-state cooperation and the role of individual state members (Koivurova 2014).

On the part of the U.S., climate change, the role of renewable energy development and black carbon emission reductions are a priority of the U.S. Arctic Council chairmanship, as well as a national imperative. Concurrently, *The Implementation Plan for the National Strategy for the Arctic Region* (2015) upholds its interests in national energy security, which includes development of non-renewable energy sources, and underscores the importance of Alaska as a strategic partner in fulfilling the Arctic agenda. Given the duality of governing for the present and accounting for the future, it may be necessary to understand U.S. initiatives in this light. At the same time, Young (2013: 147) notes that the U.S. "has emerged as a stumbling block for those working to enhance environmental governance" at the UN. These are the breadth of issues that must be considered when assessing U.S. intentions.

The paradox in Arctic policy-making: U.S.

The initial plan for developing Arctic renewable energy sources stemmed from the joint Arctic Council chairmanship agenda led by Norway, Denmark and Sweden, who together identified climate change as a Council priority (Hossain, Koivurova, & Zojer 2009: 69). Thus when U.S. Secretary of State John Kerry (2015) addressed the 2015 Arctic Council Iqaluit Ministerial Meeting his message appeared to convey that U.S. intentions were to move in this direction: "If we got the whole world to embrace clean energy choices rapidly, we can meet our two-degree target…. So it is essential, especially in the Arctic, to provide affordable, reliable energy that is needed here." Indeed, as an instrument of foreign policy the environmental NGO community lauded Kerry for taking a stand on Arctic warming (Kelly 2015). Coming at the heels of U.S.-China Joint Announcement on Climate Change (White House 2014b) these utterances could be interpreted as a shift in U.S. climate change policy.

Yet, less than a month later, the Obama administration conditionally approved Shell's plans to resume offshore exploratory drilling in the Chukchi Sea (Davenport 2015). Notably media coverage on the decision was extensive, far more plentiful than it was of Kerry's Iqaluit speech. Most coverage was purely reportorial, but others expressed indignation. "The idea that importing oil is 'bad for our people' is populist pandering," argued Mia Bennett (2015):

> BOEM's [Bureau of Ocean Energy Management] decision also makes the U.S. appear hypocritical as Arctic Council chair given all its talk about the environment and combating climate change in Iqaluit. Contrast this with the Russian minister for natural resources, who wrote on his Facebook page last week: 'There is no alternative to the fields on the shelf.' He may not say what environmentalists want to hear, but at least he can't be accused of going back on his word.

Indeed, U.S. Arctic policy is not without ambiguity. Understood from the most basic perspective, the U.S. Implementation Plan for the National Strategy for the Arctic Region (2015) objectives are to: 1) advance United States security interests, 2) pursue responsible Arctic region stewardship and 3) strengthen international cooperation. Briefly, U.S. security interests include both the pursuit of renewable energy development and ensuring the 'safe' and 'responsible' development of non-renewable energy resources, so it should come as no surprise that this paradox of events came to pass. As is the case with governments worldwide, U.S. interests include economic growth (Stern 2006), but at the same time there is a growing understanding that the environment cannot continue as a back-burner issue. In the U.S., actions on climate change are implemented primarily through the Environmental Protection Agency (EPA). By Executive Action, President Obama has given the EPA a broader regulatory role developing, for example, stricter limits on coal-fired power plants (Baker 2014). But, on the whole environmental governance is stymied by political inertia and most likely suffers from a collective-action problem. As Oran Young (2013: 23) suggests, "Collective-action problems are ubiquitous in human affairs." So, how might we start to unravel the great divide between sound environmental action and the global fossil fuel dependency? If we are to look solely to Washington policy-makers for a grand plan in environmental governance, we will likely be hard pressed to find the solution. Whereas the U.S. played a "leading role in creating the UN system,"

Young (2013: 147) notes that in subsequent years since the U.S. became "a laggard in the realm of environmental governance … [and] has emerged as a stumbling block for those working to enhance environmental governance." The U.S. has not ratified the UN Convention on the Law of the Sea nor the Kyoto Protocol. On the other hand, it would appear that as Young (2013: 162) suggests, "Increasingly, success in the creation and administration of these regimes will require the cultivation of coalitions among the public sector, private sector, and civil society," a trend that has gained significant momentum in light of numerous economic reports such as the 2006 *Stern Report*, that provided an unsettling account of the costs of climate change.

"The solution for our energy problems is going to be corporate America, that is actually private enterprise," said Tom Steyer, founder and former CEO of the hedge fund Farallon Capital Management, "that's when we get the policy framework right the people in that sphere will come up with creative, imaginative and innovative solutions that will blow our mind." Steyer has invested $65 million to launch renewable energy centers at Yale and Stanford (Bloomberg 2014). The market would seem to concur. Where cheap oil is thought to be a threat to renewable energies Citibank reports, "Fundamental factors—increasing economic competitiveness, energy security, and environmental goals—all remain potent forces driving ever more rapid adoption of renewable energy globally" (Parkinson 2015). Reporting on the 2015 Bloomberg New Energy Finance summit Bloomberg business said "The question is no longer *if* the world will transition to cleaner energy, but how long it will take" (Randall 2015). These examples and others suggest that global markets are undergoing a transformational shift, redirecting capital toward the development and consumption of sustainable renewable heating and power sources. Still, the pace at which renewables are developed will depend on numerous factors. In 2013, for example, lower system costs and policy uncertainty precipitated a decline in investment. Yet "new financing structures provided low-cost financing through capital markets" and net investment into added renewable power capacity continued to trend upward outpacing fossil fuels (Renewable Energy 2014: 25). In 2012, renewable energy was an estimated 19% of global consumption, 9% of which was traditional biomass (Renewable Energy 2014: 21), 40% of which utilizes modern bioenergy technology and methods.

Conclusion

The extent to which environmental protection of the Arctic region has evolved is often a condition of extreme circumstance. Emerging from the Cold War years was a glum picture of how extreme geopolitical differences could wreak havoc on a region whose people had no part in the destruction of the environment. Likewise, today the visual depictions of a melting cryosphere has brought heightened awareness to the Arctic as a region where the human race has once again debased the environment, this time as a condition of industrialization. Black carbon is but one of the vast number of issues that government must address in order to make progress toward an environmental sustainability future. In this regard, the Arctic Council has set the stage through scientific evidence and guiding principles, but institutional limitations preclude enforceable procedures. Consequently, the capacity for effectiveness relies on the desire of nations, writ large, to provide the strategy and structure capable of promoting and supporting a transition to environmentally friendly practices.

Throughout this article I have made reference to the private sector. Yes, government has a critical role to play in laying the foundations of robust environmental policy and enforceable regulation, but implementing environmental policy necessitates the support of outside actors. Indeed, the role of NGOs and academia cannot be underestimated, but to bring about pragmatic solutions requires the robust support of the business community and financial institutions. Quite rightly, the U.S. Arctic Council chairmanship has formally encouraged partnership with the public sector and civil society. Of the numerous activities required, to encourage BC reduction strategies such as renewable energy sources is certainly an encouraging step toward climate change mitigation, but the challenge is to parlay small successes into a broader framework, a framework in which government, industry and the investment sector develop synergy.

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The Power of Collective Identity Narration:
Greenland's Way to a More Autonomous Foreign Policy

Marc Jacobsen

This paper demonstrates how different Greenlandic governments have exploited a narrative of a unique Greenlandic identity to shape and strengthen a foreign policy autonomous from Denmark. Central to this narrative is, on the one hand, the widespread anticipation of more independence in the future and, on the other hand, the notion of a common cultural core formed in the past. The three main elements of this core are the Greenlandic language, hunting traditions, and a particular relationship to nature. While the status of the three elements is often disputed in specific domestic policy debates, such as the commissions exploring future Greenlandic constitution and reconciliation with Denmark, on the international policy level there is a remarkable agreement about the narrative. Here the three elements are understood as a matter of societal security. They need to be protected from external threats in order to uphold the current Greenlandic society. In several cases, the elements are securitised. Hereby the nomination of external threats is used to successfully legitimise extraordinary rights, such as whaling, while the strive for independence substantiate more favourable CO_2-reduction requirements. These different rights do, on the one hand, enhance Greenland's individual position in the world, and hence also strengthen the nation-building process, while, on the other hand, making visible a paradox where increased CO_2-emissions have negative implications for the traditional way of living. These implications mirror the complexity of the identity narrative, as the cultural core and the anticipated future independence sometimes contrast each other.

Introduction: a 'window of opportunity'

Greenland's foreign policy competence seems to be clearly defined, but as this paper will show the articulation and protection of an alleged unique identity represents a 'window of opportunity' that has been used to extend the competence. To show this, the foreign policy analysis will focus on the communication by Greenland's political representatives regarding three synchronic cases that together mirror the central cultural elements of the ethno-national community, namely: 1) status of the Greenlandic language; 2) protection of hunting rights; and 3) the protection and development of the Greenlandic nature. These three elements have been highlighted by exemplary analyses of how the

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current hegemonic collective identity narrative has emerged, while the individual cases have been emphasised by Naalakkersuisut's (the Government of Greenland) annual foreign policy reports. The three analyses will make visible how the designation of an external threat to the cultural traditions and the envisioned future with more independence, have been used to legitimise a claim for extraordinary rights with regard to whaling and more lenient CO_2 reduction requirements. This double perspective on a common heritage and an anticipated future reflects the tension between tradition and modernity within the collective identity narrative, as tradition signals status quo while development means change. This is also visible on the international level where the official communication oscillates between portraying Greenlanders as either a minority or an equal partner depending on the situation; something which may be an intentional strategy or a transitory phenomenon as a result of the relatively recent transition from home rule to self-government.

The paper is theoretically inspired by Ole Wæver's discursive approach to foreign policy analysis and his understanding of foreign policy as based on a state's self-image. Empirically, the author's curiosity has been stimulated by an interesting sentence on the webpage of Greenland's Foreign Affairs Department. Here it is written that Greenland's foreign policy competence is regulated by three measures: the Constitutional Act of Denmark, the Act on Greenland Self Government and practice (Naalakkersuisut.gl n.d.). The fact that practice is also a regulatory factor indicates that the legal frameworks may be open to interpretation, hence leaving a 'window of opportunity' for Greenland to achieve a more autonomous foreign policy. But why then focus on how a collective identity narrative has been articulated internationally? Besides the theoretical inspiration, statements such as the following by the former Premier Aleqa Hammond have stimulated the curiosity. In her first opening speech of Inatsisartut (Greenland's parliament) she stated:

> Greenland's active participation internationally contributes to the drawing of attention to Greenlandic interests and also to attract investments to the development in Greenland. But it also signals that no one can step on us or override Greenland's interests. It provides the backbone; it gives pride. The individual citizen may also use this to strengthen one's self-awareness. As a people it can strengthen our culture, self-awareness and self-perception (Hammond 2013: 3. Author's translation).

This statement shows a clear connection between the collective identity narrative and the development of international relations. What is, however, conspicuous is the lacking definition of what characterises the collective identity; what exactly is it that is possibly threatened or strengthened? To give an adequate answer to this question, this paper refers to exemplary historical analyses of the emergence of a collective Greenlandic identity and to articulations by the political parties in Inatsisartut. Together with a short introduction to Wæver's theoretical approach, these findings are necessary as basis for the foreign policy analysis, and will, thus, be presented on the following pages.

Analytical strategy: foreign policy as representation and protection of a collective identity

Ole Wæver's discourse theoretical approach to foreign policy analysis observes a country's foreign affairs as being based on a specific identity representation, whose contingent composition is what defines the state's self-image (Wæver 2001: 285). This image is dependent on a dichotomy between

Self and Other, where the outside of the delineation is constitutive to a certain identity (Laclau 1990; Torfing 1999: 299), meaning that what defines the collective 'Us' is first and foremost that 'We' are different from 'Them' (cf. Laclau & Mouffe 2002: 82). An Other can either be perceived as an antagonistic enemy that threatens the very existence of a state (cf. Campbell 1992: 48) or an agonistic[1] competitor which merely represents different values that are tolerated due to the common acceptance of fundamental democratic rules (Mouffe 1993: 4). In the development of a collective Greenlandic identity, Denmark has been the primary Other, while ethnicity has traditionally been perceived as something congenital (cf. Sørensen 1994: 168-169), as to be a Greenlander seems to require at least one Greenlandic parent (Petersen 1991: 17; Kleivan 1999: 98). Secondly, the identity narrative has been connected to language; reified culture, such as hunting traditions; and a romantic, intimate relation to the Greenlandic nature (Sørensen 1994: 108-109). Such characterisations of self-images are found through historical analyses (Wæver 2002: 40), and by drawing on exemplary analyses highlighting exactly these three cultural components (cf. Gad 2005), this paper will narrow down the focus to how language (cf. Langgård 2003: 231), hunting rights (cf. Sørensen 1991: 189; Thomsen 1998: 21f.) and nature (cf. Pedersen 1997: 154ff.) have been articulated as a matter of protecting the Greenlandic collective identity.

When linking a state's identity representation to its foreign policy, a security policy focus is essential (Wæver 2002: 26) as articulations of external dangers or threats to the state's existence and identity is what legitimises a particular foreign policy (Campbell 1992: 12). To define a threat is in Wæver's terms to *securitise*; a political and discursive action (Wæver 1995: 55) that seeks to justify specific state-centred acts (ibid.: 65) that ultimately allow temporary disregarding of fundamental rights (Buzan & Wæver 2009: 217). On the international level, Greenland is, however, a special case as it is not yet a state and military security policy is still in the hands of Copenhagen. Instead, this paper subscribes to a wider understanding of security, and special attention will be given to the issue of societal security whose reference object in this case is the collective Greenlandic identity that may be perceived as threatened by different external actors or values with putative potential for eroding the nation (Buzan et al. 1998: 121). As Greenland has never been a state, the basic constellation of a collective We has been dominated by the so-called culture nation (Gad 2004: 121), characterised by a widespread perception of culture and identity as an essence (Sørensen 1994: 168ff.) rather than something dynamic and interchangeable. This reflects how Greenlandic culture is generally believed to be an ethno-national community, whose members have an internal, cultural core in common, that should be protected from external interference (Gad 2008: 274, 281). An ethno-national community is "an extremely powerful mode of subjectivation" (Wæver et al. 1993: 22) and as the national narrative is formed, different subject positions are ascribed to people within the group who, again, stand in contrast to other groups defined by different predicates, hence constructing a meaningful and mutually defining Us and Them (Howarth 2005: 157).

As the foreign policy analysis develops it will become visible how different subject positions are ascribed to the Greenlandic people depending on the situation. Particularly the subject positions 'minority' and 'equal partner' will be identified throughout the analysis as the international communication by Greenland's political representatives sometimes rest upon a perception of Greenlanders as a minority with special rights or on a perception of Greenlanders as an equal partner

with equal rights. These labels reflect the different wording in the Home Rule Act and in the Act on Self Government respectively. When the Home Rule Act was introduced in 1979 it was "[…] in recognition of the special status which Greenland occupies in national, cultural and geographical terms within the kingdom" (Hjemmestyreloven 1979. Author's translation), which is a formulation that mirrors the contemporary perception of Greenlanders as a minority (Thisted 2012: 612). With words such as 'equality', 'mutual respect' and 'partnership' the Act on Self Government broke with this characterisation and the historic subordination within the Danish Realm (ibid.). Other subject position pairs can sometimes also be identified in the communication, but it is with reference to these historical documents that 'minority' and 'equal partner' are the preferred guiding difference throughout the analysis.

On the international level, Greenland's collective identity narrative seems to be clear and unambiguous and although the consensus on certain central values is relatively sedimented, the different political parties do, however, have different perceptions of how static or dynamic the Greenland nation is. Before we turn to the foreign policy analysis, the following section will, thus, briefly describe some of the nuances present in the domestic debates about what constitutes the Greenlandic collective identity.

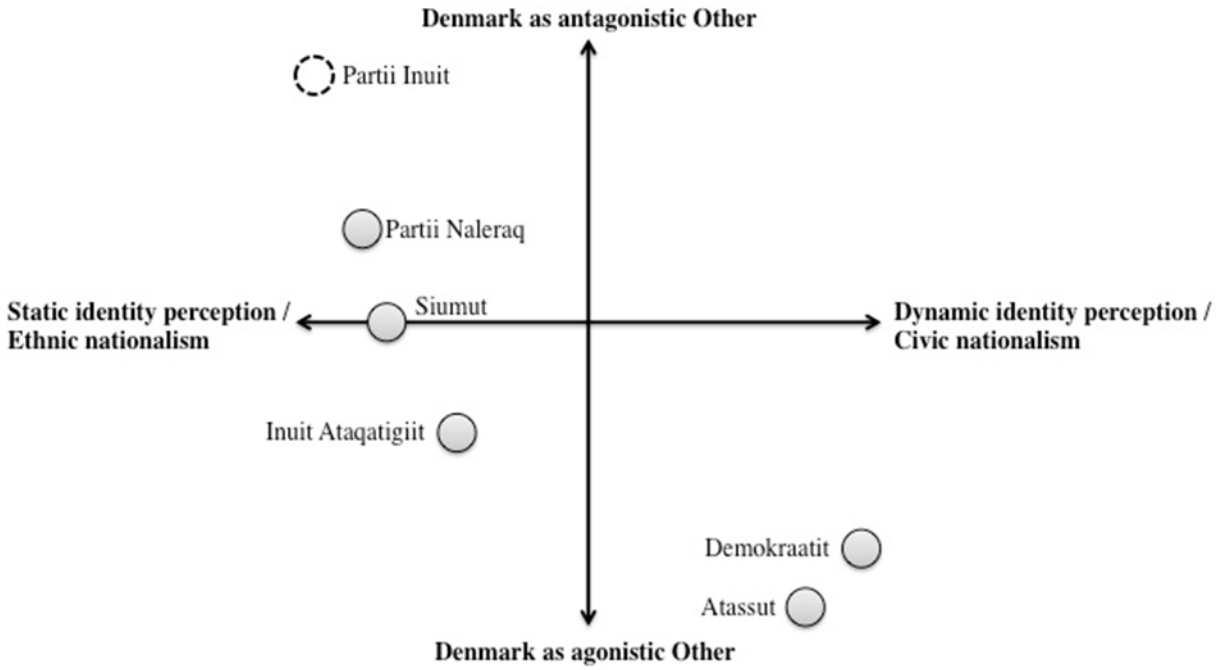
Domestic nuances on how Greenland should develop as a nation

On 25 November 2008, 75.5 percent of all eligible Greenlanders voted for the Act on Greenland Self-Government, which acknowledges Greenlanders as "a people pursuant to international law with the right of self-determination" (2009: 1). On 21 June 2009 the Act on Self-Government entered into force whereby the legal obstacles on the road towards full independence were removed with the sentence: "Decision regarding Greenland's independence shall be taken by the people of Greenland" (2009: §21). The social liberal Demokraatit was the only political party that recommended a 'No' in the referendum on the Act on Self-Government (Demokraatit 2008: 9). In spite of this, Demokraatit today, however, unequivocally support the quest for independence just like every other political party in Inatsisartut (cf. Jacobsen 2014: 24-29) and, thus, all parties unite around this Greenland's raison d'être (cf. Tobiassen 1995: 40f; in Gad 2004: 276). The agreement between the political parties is, however, only intact as long as the anticipated future independence is vaguely defined. If e.g. the parties' different characterisation of the desirable relation to Denmark is included, consensus ceases and disagreement appears, as Atassut and Demokraatit put great emphasis on maintaining close relations to Denmark, while Partii Inuit, as the Other extreme, plead for no links to Denmark whatsoever (cf. Jacobsen 2014: 24-29). The two major parties, Inuit Ataqatigiit and Siumut, are situated in between, with the latter sometimes being closer to Partii Inuit, when Denmark's past subjugation of Greenlanders is described in more antagonistic terms and as actions that need to be dealt with by a reconciliation commission, inspired by the process following the end of South Africa's apartheid regime (ibid.).

Each and every political party in Inatsisartut agree that the Greenlandic language, hunting traditions and a particular relationship to nature are core cultural elements important for the Greenlandic nation and, thus, need to be protected (Jacobsen 2014: 29-34). Whether they constitute an identity-wise essence is, however, object for disagreement. Some parties have a more ethno-national perception

where identity is believed to be a static essence, while others subscribe to a more dynamic and civic-national perception of what it means to be a Greenlander (ibid.) (cf. figure 1). When zooming in on the domestic political debates concerning protection of language, the often-used term 'non-Greenlandic speaking Greenlander' reveals that language cannot be used as demarcation line between Greenlander/non-Greenlander (ibid.). If a Greenlander does not speak Greenlandic, the person is merely perceived as a Greenlander with a flaw (cf. Gad 2005). Similar nuances appear when parliamentary climate debates are included in the analysis as higher temperatures represent a paradox because they, on the one hand, constitute an existential threat to the hunting traditions while they, on the other hand, help to diversify fishing opportunities and improve the accessibility for mining and hydrocarbon extraction. The unanimous support for the parliamentary motion regarding a territorial exclusion for Greenland in the Kyoto Protocol's second commitment period (EM2013/109) indicates that the endeavour for new significant economic profits – necessary if future independence shall be realised – is favoured even if it may compromise culturally important hunting traditions and the environment. In this way, the current dominating collective identity narrative in Greenland contains an immanent tension between tradition and modernity, as it has done throughout history.

Figure 1: Greenland's political parties' identity perception and preferable future relation to Denmark. Partii Inuit is marked with a dashed line to show that the party is no longer present in Inatsisartut.



Cultural protection and demands for development through foreign relations

Based on the exemplary historic analyses showing how the Greenlandic language, hunting traditions and a particular intimate relation to nature have been highlighted as central cultural components in the dominating collective identity narrative, the focus will now be narrowed down to the question of how these components have been articulated internationally since the introduction of self-government. When doing this, it is relevant to look at whether these components have been securitised

as a matter of upholding the national identity, and how the communication ascribes different subject positions to the Greenlandic people. The empirical data for the three synchronic analyses have been structured according to Naalakkersuisut's annual foreign policy reports, which highlight a list of relevant forums and cases: 1) Regarding the status of the Greenlandic language, the United Nations Permanent Forum on Indigenous Issues (UNPFII), United Nations Expert Mechanism on the Rights of Indigenous People (EMRIP) and the Nordic Council constitute the list of relevant forums. 2) Concerning the protection of hunting traditions, the European Union's (EU) ban on seal product import and the dispute with the International Whaling Commission (IWC) stand out as exemplary cases. 3) Pertaining to the analysis of how the particular relation to nature has been articulated on the international level, the communication under the auspices of UN – the COP meetings in particular – are the empirical foundation for the last analysis. As these three synchronic analyses will show, the foreign policy communication oscillates between portraying Greenlanders as either a minority or an equal partner, which indicates a tension between modernisation and tradition within the dominating collective identity narrative. In the communication regarding the protection and development of nature this tension becomes paradoxical as the anticipated increased industrialisation - necessary if the dream of independence shall be realised – indirectly threatens the hunting traditions.

Status of the Greenlandic language

When UNESCO published its *Atlas of the World's Languages in Danger* in 2010, the Greenlandic language was identified as being in danger; more specifically *avanersuarmiusut* and *tunumiusut*, which are spoken in North and East Greenland respectively, were characterised as 'definitely endangered', while the West Greenlandic *Kitaamiusut* – which is the written language standard (Thomsen 2013: 261) – got the label 'vulnerable' (Moseley 2010). By doing this, UNESCO securitised the Greenlandic language, but a specific threat was not, however, unequivocally pointed out. By observing the parliamentary debates about an official language policy back in 2009 and 2010, it is clear that particularly the Danish language is perceived as the primary threat or opponent. This observation is supported by former Minister for Family, Culture and Church, Mimi Karlsen, who, in a speech to the Nordic Language Commission in 2011, stated:

> The modernisation of Greenland has i.a. led to danification - also language wise – and later greenlandisation. The linguistic crisis between 1950 and 1980 has had some repercussions, which can be difficult to overcome. Back then, the language almost lost its status among people with middle-range training (Karlsen 2011: 4. Author's translation).

Such articulations have been more frequent in the domestic debates than internationally where a threat to the status of the language is not articulated to the same extent. The *Atlas of the World's Languages in Danger* is, however, the founding documentation for the ICC project *Assessing, Monitoring and Promoting Arctic Indigenous Languages*, in which the head of Greenland's Language Secretariat, Carl Christian Olsen, plays a key role (ICC 2011: 6).

As mentioned by Karlsen, the protection of the Greenlandic language was a core element in the nationalist wave in the 1970's when indigenous traditions were idealised and the links to other Inuit were enhanced. These relations are still central in i.a. UNPFII and EMRIP of which the latter has given special attention to "[…] language and culture's role in connection with promotion and

protection of indigenous peoples' rights and identity" (Naalakkersuisut 2013a: 24. Authors' translation), as they are still threatened by "[d]iscriminatory legislation, dominant cultural majorities and lack of recognition" (ibid.). Whether this also concerns the Greenlandic language is not crystal clear from the information publicly available, but the adoption of an official language policy underlines that: "The Greenlandic language is a central part of the Greenlandic people's cultural identity. The language has a culture-bearing function that shall be preserved, strengthened and simultaneously developed" (EM2009/88:1. Author's translation). This mirrors Greenland's special position within the international indigenous network, well exemplified by Kuupik Kleist's speech at the EMRIP annual meeting in 2009 where he emphasised that the introduction of self-government is a "[…] de facto implementation of the declaration of indigenous peoples' rights" (Naalakkersuisut 2010: 22. Author's translation) and that "[…] the experiences of Greenland's process can serve as inspiration for others of the world's indigenous peoples in their struggle for greater autonomy and in their development as a people" (ibid.: 23). Such a statement indirectly excludes people who are not indigenous but still perceive themselves as part of the Greenland nation and, thus, the statement represents a static or more ethno national perception of what it means to have a true Greenlandic identity. The positioning of Greenlanders as a minority in these forums is furthermore a relic from the past when Greenland did not have self-government and is as such more retrospective than prospective.

The communication made under the auspices of Nordic Council is contrary to the communication in the UN forums, as 'equality' and 'independence' rather than 'minority' are the subject positions used to portray Greenlanders desirable position. In 2006, the Nordic Council adopted a declaration on Nordic language policy, which distinguishes between 'community bearing' languages - consisting of Faroese, Greenlandic, Sami, Danish, Finnish, Icelandic, Norwegian and Swedish - and 'state bearing' languages that leave out the first three (Norden 2006: 11). Thus, there is a clear hierarchical line, which would have been more likely to be accepted if the non-state entities' underlying logic was based on indigenous peoples' rights and the subject position ascribed to their citizens was 'minority'. By observing the statements made concerning the status of the Greenlandic language (cf. Jacobsen 2014: 39-41), it is, however, evident that this is definitely not the case. Instead, Greenland's representatives plead for a position equivalent to the official states' and a discontent over the lower status of the Greenlandic language has often been used for raising questions over Greenland's general lower position in the Nordic Council hierarchy. As a result of this persistent engagement then Premier Aleqa Hammond was invited to join the Prime Ministers' annual summer meeting in 2014 (Sommer 2014). This was a clear indication of higher status, a step towards the announced vision of future full membership (Nordisk Råd 2013) and in line with Greenland's foreign policy strategy from 2011 which describes direct participation in the Nordic Council as important because it "[…] can generate results that support the general foreign policy work" (Naalakkersuisut 2011: 21. Author's translation). An important fact for this successful development was the establishment of a strategic partnership with Åland and the Faroese Islands in 2012 that gives the three autonomous areas the authority to speak on behalf of each other (lagtinget.aland.fi); a partnership, which a Naalakkersuisut foreign policy report described as "a pivotal development of Greenland's foreign relations" (Naalakkersuisut 2013a: 12 – author's translation).

Protection of hunting rights

Hunting traditions' core position in the dominating collective identity narrative has especially been articulated on the international level where the protection of the rights to sealing and whaling have been challenged by external decisions that limit the export of seal products and restrict Greenland's quota on large whales. Both cases took their beginning shortly after the introduction of self-government when Greenland proposed a quota of ten humpback whales – which until then only had been allowed for St. Vincent and the Grenadines to catch – and when the EU introduced a ban on import of seal products that, however, contained a so-called 'Inuit exception' (EU 2009). Despite the special exception, it is argued that the ban has still had grave consequences to Greenland's export of seal products as it decreased from DKK 60 million in 2006 to DKK 6 million in 2012 (Sommer 2012) and when the exception was overruled by WTO in 2013 – and upheld in May 2014 – the Greenlandic seal hunters' outlook only got gloomier. Contrary to this development, the dispute with IWC has so far resulted in a positive outcome for Greenland as the wish for a higher quota on large whales was fulfilled in September 2014. On the way to these two different outcomes, the communication regarding the two cases have had some central elements in common, namely: a sharply articulated dichotomy between Us and Them, a definition of the external decisions as being threats to Greenland's societal security and an oscillation between ascribing ether the subject position 'indigenous minority' or 'equal partner' to the Greenlanders. Furthermore, they have both been highlighted in Naalakkersuisut's annual foreign policy reports and described by former Premier Hammond as "[...] crucial cases for the future of Greenland" (Andersen 2014. Author's translation).

The primary antagonistic Other in both cases has been the EU and the European members of IWC. Already before the EU ban on import of seal products came into force it was characterised by Jonathan Motzfeldt from Siumut as "[…] a cultural genocide, like the one they have committed in South America […]" (Holm 2009. Author's translation) and the purpose of the ban was interpreted as "[…] to prevent the Arctic people from surviving in their own way by eating seals and whales and birds" (ibid.). This was an unambiguous securitisation of the traditional way of living that – through its central position in the dominating collective identity narrative – can be identified as a matter of societal security threatened by the EU. The same pattern has been visible in the IWC dispute, which peaked in 2013 after Greenland decided to unilaterally raise its quota on humpback whales, and Denmark, thus, considered leaving IWC where it represents Greenland. In response to this consideration, then Minister for Fishing, Hunting and Agriculture, Karl Lyberth, retorted with a feature article entitled 'The Danes should not decide how we should live and eat' (Org.: 'Danskerne bør ikke bestemme hvordan vi skal leve og spise'). Here he made a clear distinction between the Europeans who "[…] go to the supermarket and buy pre-packed meat of farmed animals butchered by others" (Lyberth 2013. Author's translation) in contrast to "Here in Greenland, we go into the wild to catch our food and we are therefore responsible for our own food supply" (ibid.). Ultimately, Lyberth made it clear that the decision of unilaterally raising Greenland's whaling quota was taken "[…] to protect our people's way of living" (ibid.).

The reason for why Greenland should have these extraordinary rights is explained by historic traditions and cultural importance that both the EU and IWC themselves perceive as legitimate

arguments. What does not legitimise extraordinary hunting rights is, however, when an economic logic is brought into play, like in the following statement made by then Minister for Fishing, Hunting and Agriculture, Ane Hansen, where she argues that: "[…] we, in our endeavour to implement self-government in Greenland, have to make full use of all the resources we can get, including all animals caught" (Hansen 2010: 1. Author's translation). Suspicion of commercial whaling and sealing was exactly the reason why IWC did not accept Greenland's wish for a higher quota in 2012 and the explanation for why the WTO undermined EU's 'Inuit exception' because it was perceived as being anti-competitive to seal product export in Canada and Norway (Naalakkersuisut 2013b). The question of equality or minority has also been relevant at another level, as Greenland is represented by Denmark in IWC and WTO, while they both carry out their own bilateral relation with the EU. Throughout the two processes politicians such as Juliane Henningsen from Inuit Ataqatigiit has, thus, often suggested that Greenlanders as people pursuant to international law with the right of self-determination should work "[…] persistently to ensure that Greenland has an independent voice in IWC and WTO, as decisions in such forums have influence on Greenland's opportunities for cooperation with other countries" (EM2011/14. Author's translation). This has, however, not yet happened, but as an alternative to the European market, Greenland is now looking towards Asia, where China, South Korea and Japan have expressed a growing interest in Greenland's seal products (Kleist 2013: 3; Naalakkersuisut 2014a).

Development and protection of Greenland's environment

Greenland's self-government was introduced in the wake of the global rediscovery of the Arctic, which – with the beginning of the global financial crisis and the simultaneous historically high oil prices in mind – created a significant interest in the newly discovered vast hydrocarbon resources and the emerging shipping routes in the High North (cf. i.a. Gad 2013). Greenland with Kuupik Kleist at the helm was indeed very attentive to this development and it soon became clear that the upcoming COP15 in Copenhagen was going to be an important summit where Greenland would seek to position itself as an individual international actor with an agenda different from the Danish Government's. Kleist, thus, stated in his first opening speech of Inatsisartut: "We would like to have the same opportunity as other countries that have been able to exploit their oil potentials without paying taxes. It cannot be true that when it is our turn we then have to pay through the nose to emit CO_2" (Kleist 2009a: 12. Author's translation). Initially, Denmark was not keen on giving Greenland special treatment, but a few days before the beginning of COP15, Kleist and Denmark's Minister of Climate, Lykke Friis, signed a memorandum of understanding which by a single sentence in a footnote frees Greenland from being subject to the same obligations as Denmark. The footnote simply stated: "Therefore, the commitments of Denmark as a member of the European Union do not apply to the Faroes and Greenland" (Kleist & Friis 2009). Though the result of COP15 was limited to the non-legally binding *Copenhagen Accord*, it was still a historic event for the development of a more autonomous foreign policy, which is part of the raison d'être as confirmed by Kleist in a feature article shortly after: "The climate policy must be seen in the context of the overall political objective of a financially self-sustaining Greenland" (Kleist 2009b. Author's translation).

The goal of differentiated climate targets was the same the subsequent year, when Kleist participated in COP16 in Cancún, but instead of referring to future anticipated independence, the justification was then instead based on indigenous people's rights, exemplified by Kleist's statement after the summit: "Last week, we were the only Arctic country that drew attention to the indigenous people's rights in relation to climate change. We are really proud of this, and the reactions have been very positive" (Fisker 2010. Author's translation). Instead of Greenland vs. Denmark, the dichotomy was here the indigenous people vs. the industrialised world that formed a potential threat towards growing industrialisation in Greenland. The background for this decision was probably that the COP15 agreement with the Danish government was no longer applicable, which meant that Greenland was no longer certain of self-representation and therefore sought to be part of an alternative coalition. In August 2012, Greenland's individual position in the climate negotiations was, however, enhanced as Denmark and Greenland signed an agreement based on §13.2 in the Act on Self-Government: "In matters which exclusively concern Greenland, the Government may authorise Naalakkersuisut to conduct the negotiations, with the cooperation of the Foreign Service" (Act on Greenland Self-Government 2009). This was a milestone in Greenland's development of a more autonomous foreign policy. The more individual position on the world stage was reflected at COP18, where the argument of indigenous people's rights was downplayed in favour of articulations pleading for equality, anticipated industrialisation and, hence, future independence.

Since the introduction of self-government, the possibilities rather than the risks have been most often emphasised in the official communication, but this changed when UN Secretary General Ban Ki-Moon arrived in Greenland in March 2014. Climate change's negative effects on the vulnerable environment then became far more pronounced, i.a. by then Premier Aleqa Hammond who stated: "It is also important to see that the strong, proud culture in the Arctic is threatened because of climate changes" (Naalakkersuisut 2014b. Author's translation) and "Climate changes have a direct impact on our daily lives, on the household economy and that we get food on the table" (ibid.). In this way she referred to the collective identity narrative where the hunting traditions are particularly threatened as hunting grounds and animals disappear in step with increasing temperatures. According to Hammond it is, however, not only of existential importance to the professional hunters, but to the survival of the cultural heritage of the entire Greenlandic population and hence a matter of protecting the Greenland nation against an external threat.

Half a year later, Hammond reciprocated Ki-Moon's visit when she – at what became her last international journey as Premier of Greenland – travelled to New York to give a speech at the UNESCO side event on climate change and Indigenous peoples' rights. Here she underlined the connection between climate change and exerting Indigenous peoples' rights, while she in line with the tendency since COP15, expressed that "Greenland will not be a passive victim of climate change. A likely scenario for the future of Greenland is an economic growth supported by new large-scale industries and oil and mineral extraction. This will profoundly affect our society and the environment" (Hammond 2014: 3-4). A few minutes later she, however, also stated that "At the heart of Inuit culture, is the preservation and long-term protection of the living resources, on which life in the Arctic has always depended. These living resources are key to my identity and to that of my people" (Hammond 2014: 10). Her speech, thus, both highlighted the positive and the negative sides of the climate

paradox, as they threaten the culturally important hunting traditions while on the other hand are perceived as a welcomed change that may help speeding up the process towards increased independence.

Perspectives and potentials

The climate change paradox exemplifies well how the cultural traditions and the independence discourse sometimes are in conflict with each other, as the prioritisation of one side may have negative consequences to the other. The climate change paradox, thus, mirrors the double perspective of the dominating collective identity narrative, which, however, is used actively to optimise Greenland's international bargaining position. In this way, both extraordinary whaling rights and special rights in a future global climate agreement have been secured, while the official status of the Greenlandic language has played a significant role in elevating Greenland's general status in the Nordic Council. The reason for this communicative oscillation between describing Greenlanders as a 'minority' or an 'equal partner' may be an intentional strategy or a transitory phenomenon mirroring the relatively recent transition from home rule, characterised by hierarchical subordination, to self-government and a position as equal partner (cf. Thisted 2012: 612). This change is both visible in Greenland's external communication and in the outside world's perception of Greenland, visible in e.g. EU's 'Inuit exception' and WTO's subsequent overruling due to its anti-competitive elements (Naalakkersuisut 2013b). This development may be an indication of an incipient change in the outside world's perception of Greenland's position, which on the one hand may result in less special treatment in the future, but on the other benefit the process towards increased self-determination.

Greenland's state-like imitation is particularly observable in the communication in the Nordic Council and in relation to the climate summits, where the elected representatives have obtained a higher degree of autonomy by referring to the Act on Self-Government and the anticipated future increased independence. If one broadens the analytical perspective a bit, it becomes visible how this was also the case when Aleqa Hammond on behalf of Greenland decided to boycott the Arctic Council ministerial meeting in Kiruna in 2013 because she was discontent with Greenland's lower status in comparison with Denmark (Duus 2013). A similar kind of discontent was expressed in the sealing and whaling disputes where wishes for individual representation in WTO and IWC were articulated. Put together, these examples can be described as a postcolonial sovereignty game (cf. Adler-Nissen & Gad 2014: 16), where Greenland sometimes seeks to draw a sharper communicative dichotomy to Denmark, while, in other instances, simply leaving out the Danish Realm of the foreign policy communication concerning an envisioned future with more self-determination. As mentioned earlier in this paper, this will require significant foreign investments in e.g. large-scale mining projects in order to, first of all, render superfluous the bloc grant from Denmark of approximately €500 million annually. Such projects will, however, require assistance from thousands of foreign workers who may, in time, constitute a potential threat to Greenland's societal security as continuing presence of a major group of for example Chinese workers would challenge the widespread ethno-national perception of Greenlandic culture. Hence the state-building process can have an effect on the nation-building process as the narrative of what is truly Greenlandic will be challenged and possibly changed when the structure of society and composition of population also change. This is based on the logic, as

explained by Wæver: "If one's identity is based on separateness, on being remote and alone, even a very small admixture of foreigners will be seen as problematic" (Buzan et al. 1998: 124). This logic is indeed present in the parliament debates about the anticipated future mining boom, but at the same time the expected presence of foreign workers is generally accepted as a necessary means to serve the overarching goal of increased independence (cf. FM2014/68).

Conclusion

Although the legal frameworks seem to dictate a clear definition of Greenland's foreign policy competence, a 'window of opportunity' is, however, present as implied by the Foreign Affairs Department that points to 'practice' as a third regulatory factor. With inspiration from Ole Wæver's understanding of foreign policy as based on the state's self-image, this paper narrowed down the focus to articulations about protection of a collective identity; language, hunting rights and a special relation to nature. These analyses revealed how: 1) The debate about the status of language is used as a platform for achieving rights more equal to the states of the Nordic Council, while simultaneously being described as an indigenous minority right under the auspices of UN. 2) The sealing and whaling disputes have been articulated as threats to the national identity security where the reference to indigenous peoples rights have resulted in a higher quota on large whales, while WTO have overruled EU's Inuit exception because it is anti-competitive. 3) The special relation to nature represents a paradox – mirroring the double perspective of the dominating identity narrative – where the exploitation of the nature's non-living resources, necessary if increased independence shall be realised, indirectly threatens hunting traditions, as growing industrialisation would contribute to continuing climate changes. Common for these three cases is the oscillation between portraying Greenlanders as either a minority or an equal partner depending on the situation, which either may be a transitory phenomenon as a result of the relatively recent transition from home rule to self-government or an intentional strategy used to optimise Greenland's bargaining position internationally. No matter the reason, this has resulted in extraordinary rights to whaling and more favourable CO_2 reduction requirements, which do not apply to the rest of the Danish Realm. In this process, Greenland has furthermore enhanced its cooperation with Åland and the Faroe Islands under the auspices of the Nordic Council, while initiating new international relations with China, Japan and South Korea that are perceived as new promising markets for i.a. seal product export. By referring to protection of cultural traditions and by articulating the anticipated future with more independence, Greenland has, thus, shaped and strengthened a foreign policy a little more autonomous from Denmark.

Notes

1. Or not-so-radical Other as termed by Lene Hansen (2006: 7).

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Resource Development & Land Claim Settlements in the Canadian Arctic:

Multilevel Governance, Subsidiarity and Streamlining

Thierry Rodon & Aude Therrien

The Canadian Arctic is seen as a resource-rich territory and attracts many developers however, at the institutional level, it is a very complex region. Arctic Canada is formally under the jurisdiction of the federal government, yet a devolution process initiated in the sixties has led to the creation of responsible territories in Yukon, the Northwest Territories and ultimately the Nunavut Territory in 1999. At first this devolution didn't include the management of natural resources, but recently the Yukon (2003) and the Northwest Territories (2014) have signed a natural resources devolution agreement with the federal government and Nunavut is negotiating a similar agreement. Furthermore, all of the Canadian Arctic territories have a significant indigenous population which has attained constitutional recognition through multiple court decisions, leading to the conclusion of land claims settlements. These agreements involve the creation of regional or local governments and various boards and organizations tasked with such responsibilities as making recommendations on natural resource management, and environmental and social assessments of resource development. In addition, all recent land claims settlements require developers to sign Impact and Benefit Agreements with local or regional Indigenous organizations.

This has led to complex governance arrangements that offer a good example of vertical and horizontal multilevel governance but that are often denounced by developers and some federal policy-makers as a balkanization of decision-making. This paper will map the formal and informal powers and the interaction of the different regulatory institutions from the local to the federal level. The authors will then analyse the federal effort to streamline environmental governance through the Action Plan to Improve Northern Regulatory Regimes and assess how it impacts the MLG scene in the Canadian Arctic.

The Canadian Arctic is resource-rich and has been attracting many developers. It is also a very complex region institutionally. Though officially under federal jurisdiction, a process of political devolution has since the 1970s brought responsible government to Yukon, to the Northwest Territories and, later, to Nunavut, a territory created in 1999. At first this devolution excluded management of natural

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resources, but recently Yukon (2003) and the Northwest Territories (2014) have signed devolution agreements to transfer control of natural resources from the federal government, and Nunavut is negotiating a similar agreement. In each case, devolution is a process of delegating federal powers to the respective territorial government and Indigenous government.

All of the Canadian Arctic territories have a significant Indigenous population, whose rights have been constitutionally recognized through multiple court decisions that have led to the signing of land claim agreements. These agreements allows the creation of co-management boards, whose responsibilities include making recommendations or decisions on natural resource management and on environmental and social assessment of resource development (Berger et al. 2010), and since the recognition by the federal government in 1998 of the right to self-government, the creation of Aboriginal governments. In addition, all recent land claims settlements require developers to sign *Impact and Benefit Agreements* with local or regional Aboriginal organizations. Land claim agreements are constitutionally protected under section 35(1) of the 1982 Constitution Act, and therefore they cannot, contrary to the territorial devolution process, be unilaterally rescinded.

This paper focuses on the multilevel governance structure of the Canadian Arctic territories—Nunavut, the Northwest Territories, and Yukon—a structure established through devolution and the land claim and self-government agreements that have been signed with the first inhabitants of those regions: the Inuit and the First Nations. Both devolution and the self-government process are based on the principle of subsidiarity—a clear departure from the Canadian Constitution, which does not recognize subsidiarity below the provincial level. All the lower level of governments (region, city or municipality) have only delegated powers.

Devolution and the land claims and self-government process have together created a complex governance arrangement that some developers and the Conservative government have denounced as slowing down decision making on resource development (INAC 2008). This paper will map the formal and informal powers and the interaction of the different regulatory institutions from the local to the federal level. The authors will then analyse the federal effort to streamline environmental governance through the *Action Plan to Improve Northern Regulatory Regimes* and assess how it impacts the Multilevel Governance (MLG) scene in Arctic Canada.

Multilevel governance in the Canadian Arctic

Multilevel governance approaches have been first developed to understand the increasing complexity and dispersion of power among different levels of public institutions in the European Union. This dispersion of power can be observed both vertically, among sub-national units, through processes of decentralization and regionalization, and horizontally through increased participation by non-governmental and quasi-governmental actors in policy making (Marks & Hooghe 2004).

In Canada, MLG approaches have been used to describe the governance arrangements created by Aboriginal land claim settlements (Timpson 2003; Papillon 2007; Wilson 2008a; Wilson 2008b; Alcantara & Nelles 2013; Rodon 2014; Wilson et al. in press). For these authors, such arrangements create vertical power sharing by empowering sub-provincial units within the Canadian federal system

in what is sometimes referred to as nested federalism (Wilson 2008a). In the case of Aboriginal land claim settlements in Canada, power is dispersed between public institutions and Indigenous institutions.

In fact, two parallel processes are at play, (1) territorial devolution and (2) Aboriginal land claims and self-government agreements. In Canada, the Northwest Territories initially encompassed all of Rupert's Land—the territories purchased from the Hudson's Bay Company—and were considered to be underdeveloped and underpopulated regions that could gain provincial status if settled by enough European immigrants (Coates 1985). Until then, the federal government would directly administer these territories. The entire southern section of the Northwest Territories eventually gained provincial status (Manitoba in 1870, Saskatchewan and Alberta in 1905) but the Arctic regions remained too sparsely populated by Europeans to acquire provincial status. Political devolution started in the 1970s with the creation of the first representative governments in Yukon and the Northwest Territories. This devolution gave both territories powers similar to those of the provinces, with the exception of jurisdiction over land and resources, which remained in federal hands. Moreover, unlike the provinces, which have constitutionally protected powers, the territories have only delegated powers, are overseen by a federal commissioner who has to approve all territorial bills, and their legislation can be revoked by the Canadian Parliament within 45 days of enactment. It should be said that to date the Canadian parliament has never used these powers and that convention has established that the federal commissioner should accept all advice from the territorial assembly in territorial matters.

A parallel trend toward self-government has also been ongoing among Aboriginal people throughout Canada, although it has gone the farthest in Arctic Canada. This process stems from the recognition of Aboriginal rights by the Canadian Supreme Court. To honour these rights, the federal government has put into place a land claims policy (Canada 1987) and a self-government policy (INAC 1995) and has negotiated land claims and self-government agreements in Arctic Canada. These governments form a new level of government that is based on constitutionally protected treaties while not being part of the constitutional order (Rodon 2014), although, in the case of Nunavut, self-government was implemented through the creation of a third territorial government.

The land claims agreements create another level of governance through multiple co-management boards, which mostly have recommending power but have decision-making power in some cases. The resulting governance arrangements may be complex. In the Northwest Territories, for example, major land claims have already been settled with respect to four nations: the Inuvialuit in 1984, the Gwich'in in 1992, the Sahtu in 1993, and the Tlicho in 2005. Such arrangements created a number of boards that make recommendations on such things as natural resource management and environmental and social assessment of resource development—a clear example of a vertical multilevel governance framework with dispersion of power among local and regional Aboriginal institutions.

Resource development in Canada's territories

Land and resource management have remained under federal jurisdiction, but there is a clear trend toward devolution of these responsibilities to the territories. The first step was the Canada Yukon Oil and Gas Accord signed in 1999, which gave Yukon legislative control over oil and gas resources,

including the collection of resource revenues. It was followed by a devolution transfer agreement in 2003, which provided for the transfer of responsibilities for land, water, forest, and mineral resources. A similar agreement has just been signed in the Northwest Territories and has led to an update of the Yukon resource-sharing agreement to bring it into line with the NWT one. At this time, the Nunavut government is negotiating a similar devolution agreement but the talks had been stalled for many years and restarted just last year. These agreements empower the territories to manage the land and resources, although they have to share the resource revenues with the federal government according to a formula that allows the territory to keep 50% of the revenues, the other 50% being deducted from Territorial Formula Financing. The amount of money to be transferred is capped in order to keep the territories from becoming too wealthy (Irlbacher & Mills 2007). Land claim agreements have also impacted land and resource management because they recognize Aboriginal property rights over 5 to 20% of the claimed territory. In the most recent agreements, subsurface rights have also been recognized, although for very small tracts of land.

Land and resource management has been affected the most by the co-management regime stemming from these agreements. These co-management regimes create boards that oversee wildlife, water, land, and resource management and impact assessment, and whose composition is usually 50% representatives of Aboriginal people and 50% representatives of the two levels of government (federal and territorial).

In Yukon, the Umbrella Final Agreement has created a framework for the negotiation of land claim agreements by each Yukon First Nation. To date, 11 Yukon First Nations have signed land claim agreements. Surface rights and the environmental assessment process are dealt with by the Council of Yukon First Nations, thus bringing management of these issues to the territorial level.

In the NWT, the recent land claims agreements (Gwich'in, Sahtu, and Tlicho) have put into place three land and water boards in the Mackenzie Valley. In addition, the Mackenzie Valley Land and Water Board (MVLWB), under the Mackenzie Valley Resource Management Act (MVRMA), coordinates management of these resources and covers those regions that are not yet under a land claim agreement.

The Inuvialuit Settlement Region, which is located in the NWT, encompasses the Mackenzie River delta as well as the Arctic Islands, and has quite a different management structure. The Inuvialuit Final Agreement was signed in 1984, at a time when there was no established model for land claim agreements. Although it makes no provision for a non-renewable resource management board, such a role is played by the Inuvialuit Game Council.

The Nunavut Land Claims Agreement (NLCA) encompasses all of Nunavut, but three co-management boards are responsible for land resources and make recommendations to the relevant minister: the Nunavut Planning Commission, the Nunavut Water Board, and the Nunavut Impact Review Board. A fourth body, the Nunavut Wildlife Management Board, is responsible for wildlife and is the only Nunavut board with decision-making powers.

The land claims agreements have thus created multiple poles of governance (Loukacheva 2007; White 2009; McArthur 2009; Rodon 2014) with competing legitimacy and, according to some, a risk of

balkanization of decision making, especially in the NWT—where there are multiple land claim agreements, each with its own set of resource boards and approval processes for resource development.

The existing boards are, however, integral to the land claim and self-government agreements. In addition, land use planning and non-renewable resource management are central to the quest by Aboriginal nations to regain control over their lands (Berger et al. 2010). These boards provide them with direct input into land planning, management, and resource development, thus giving them decision-making power in some cases or at least strong recommending powers and providing indigenous parity representation.

The Mackenzie Valley pipeline: testing the land claim regulatory regime

The three Mackenzie Valley land claims agreements (Gwich'in, Sahtu, and Tlicho) established a regulatory process that was first tested by the proposed Mackenzie Gas Pipeline, a 1,196-km natural gas pipeline system along the Mackenzie Valley that would have run across the territory of most of the new land claim boards in the NWT. This project was a revival of an older project, the Mackenzie Valley Pipeline that had been abandoned in 1977 after the first extensive public inquiry in the NWT concluded that the project should not go ahead before settlement of Aboriginal land claims. When the project was revived in 2000, most of the NWT's Aboriginal land claims had been settled. There was thus a very different institutional and regulatory regime composed of Aboriginal governments and multiple treaty-based boards.

In preparation for the environmental review, the *Northern Pipeline Environmental Impact Assessment and Regulatory Chairs' Committee* was formed in November 2000 to develop the Cooperation Plan which would set the foundations for a coordinated approach of the regulatory process for the Mackenzie Gas Project. The committee was formed of representatives of the different resource boards in the NWT and of representatives of the federal and territorial governments.[1] The project proponent officially filed the pipeline project in June 2003.

After preliminary public hearings, the Mackenzie Valley Environmental Impact Review Board (MVEIRB) ordered an Environmental Impact Assessment (EIA) due to the many concerns aroused by the project. The National Energy Board (NEB), a federal board that has to approve all energy-related projects, also had to conduct a project review and organize public hearings. To avoid duplications, a Joint Review Panel (JRP) was formed. The MVEIRB selected three members (one from each of the three Mackenzie land claim boards) and the Minister of the Environment appointed four members, two of whom have to be appointed by the Inuvialuit Game Council, and one by the NEB. The JRP was mandated to evaluate possible project impacts on the environment and on the lives of the people in the area. The NEB review and the Joint Review Panel evaluation were conducted simultaneously; the Joint Review Panel's recommendations were necessary, however, for the NEB to make its decision.

During 2006-2007, the JRP held public hearings in 23 communities in the NWT and northwest Alberta. It heard directly from 558 presenters, as either individuals or as representatives of groups or

organizations (Joint Review Panel for the Mackenzie Gas Project 2009). A clear divide appeared between those regions where a land claim had been signed and those that had no such agreement yet. In the first case the Aboriginal organizations supported the pipeline project, while in the second there was widespread opposition (Joint Review Panel for the Mackenzie Gas Project 2009; National Energy Board 2010). The NEB, for its part, held public hearings from 2006 to 2010 in 15 communities (NEB 2010).

In December 2009, the Joint Review Panel submitted its report and concluded "*that there are reasonable grounds for expecting that the Project would make a positive contribution to sustainability provided that the Panel's recommendations are fully implemented*" (Joint Review Panel for the Mackenzie Gas Project, 2009). In November 2010, the governments of Canada and the Northwest Territories responded to the JRP report and accepted 88 of the 115 recommendations. One month later, the NEB issued a decision to approve the project and, finally, on March 11, 2011, almost eight years after the project proponents had filed the pipeline project, the Mackenzie Gas Pipeline was granted federal cabinet approval. However, by that time it was no longer financially viable because the natural gas price had dropped from $15.38 per MMBtu in December 2005 to $4.57 in 2011 due to increased American production of shale gas.

The Mackenzie Gas Project (MGP), thus, received approval through a lengthy and complicated process, which took over seven years from the time the project was officially tabled. The land claim and water boards did not, however, slow down the process conducted by the Joint Review Panel. In fact, most of the delays were due to the extensive public consultations taking place and to the need to review the project through two processes: a local one for the Mackenzie Valley and the NWT and a federal one through the National Energy Board. Finally, the MGP had support from all of the Aboriginal groups that had signed land claim agreements, and all of the groups that had not were opposed. Therefore, it could be said that the land claim agreements are, in fact, facilitating approval of development projects.

The federal solution: streamlining and recentralizing the regulatory process

In the NWT

During MGP public hearings, the federal government mandated a special rapporteur, Neil McCrank, to review the regulatory system in the North with an almost exclusive focus on the NWT. In March 2008, after consultations with many stakeholders, a two-day roundtable was held in Yellowknife to hear the opinions of other stakeholders, with 80 people being present (McCrank 2008). The McCrank Report recommended two options: transform the regional boards into administrative regulatory bodies that would no longer have quasi-judicial power or merge all the land and water boards into a single board, the Mackenzie Valley Land and Water Board (MVLWB). If that second option was to be chosen, the report further recommended that the federal government reach agreements with each party in order to make amendments to the land claim agreements before amending the MVRMA and that the MVLWB have final decision-making authority (rather than the Minister).

After this first round of consultations, in May 2010, the federal government launched a *Federal Action Plan to Improve Northern Regulatory Regimes*. The aims were twofold: ensure that development would not be impeded by "red tape" and bring the northern regulatory regimes into line with those of the rest of Canada. Aboriginal Affairs and Northern Development Canada (AANDC) appointed a chief federal negotiator with the mandate to negotiate the merging of the four NWT land and water boards into a single board. The federal government had thus clearly chosen the report's second option (Terriplan Consultants 2010). However, consultations had to be held with the three Mackenzie Valley Aboriginal land claim organizations (Gwich'in, Sahtu, and Tlicho) because all of them opposed merger of their newly created land and water boards. In total, the AANDC Chief Negotiator *"has held over 50 consultation meetings with Aboriginal groups and organizations, co-management boards and industry. In all, 24 Aboriginal groups were invited to participate in technical consultations and funds were made available to them to assist them in the consultation process"* (AANDC 2014).

Following these consultations, the chief federal negotiator recommended to the Minister to merge the land and water boards into a single board. This recommendation was accepted by the Minister and put into draft legislation, but the negotiator had to request two more amendments because of the opposition of all of the Aboriginal groups in the Mackenzie Valley (Pollard 2014): First, the draft bill was amended to allow creation of regional MVLWB subcommittees, with each one having at least three members and if possible a person from the region. These subcommittees would have decision-making authority, thus bringing decision making closer to the community, a clear effort to reintroduce subsidiarity into the recentralization process. The second amendment concerned appointment of the chair. In the first draft, the Minister would have appointed the chair without consultation. Because of widespread opposition from NWT Aboriginal groups, this provision was amended so that the Minister would appoint the chair but only after consultations with the MVLWB. The draft bill with the proposed amendments to the MVRMA was included in the Omnibus Bill C-15, which also included the Northwest Territories Devolution Act. It received royal assent on March 2014.

In spite of these last minute amendments, it should be noted that two recommendations from the McCrank report were not implemented: the approval of the land claims signatories was not sought before passing the law, amounting to a unilateral change of land claim agreements, and the final decision-making rests with the federal minister for most decisions. For the NWT First Nations, the elimination of the three land and water boards without their formal approval is seen as an unilateral violation of their land claim agreements, as expressed by the Grand Chiefs of the Tlicho Government:

> Canada has returned to the old colonial way of thinking, that they know what is best for us. They are silencing our voice. That cannot be the way of the future. That is not the constitutional promise made in the Tlicho agreement. We demand better. We will stand up to this proposed law and challenge it if need be (Erasmus, E. Grand Chief, Tlicho Government, January 27th, 2014).

The Dehcho First Nations provide a similar perspective:

> So we fail to see, from the perspective of the Dehcho First Nations, how Canada is fulfilling its obligations to maintain some parity, some equality, either at the table with the Dehcho First Nations in its negotiations or indeed for the Dehcho in its reconstituted super-board. Neither is being maintained. This is fundamentally disrespectful to the

> principles under which the Dehcho have entered these negotiations, and it's fundamentally at odds with the honour of the crown (Norwegian, H., Grand Chief, Dehcho First Nations, January 27th, 2014).

Another important concern of the NWT First Nations is that elimination of the regional boards will reduce participation by First Nations in decisions affecting their region and limit community involvement. For example, the Sahtu, the Tlicho, and the Gwich'in will no longer participate equally in decision making, and the single representative on a committee of 11 cannot engage and represent the communities as the regional board did (Standing Senate Committee on Energy, the Environment and Natural Resources 2014; Erasmus, E. 2014; CBC News 2013)

The Tlicho and Sahtu governments both decided to challenge the new legislation in court. First, the Tlicho Government, in July 2014, filed a lawsuit against Canada, claiming that the changes to the MVMRA are unconstitutional and in breach of the Tlicho Agreement. Second, the Sahtu Secretariat, in March 2015, in their lawsuit against Canada, argues that the elimination of regional land and water boards violates the terms of the land claims and dilutes the ability of Aboriginal governments to co-manage resource development in the territory (Wohlberg 2015). On February 27, 2015, the Supreme Court of the Northwest Territories granted the Tlicho Government injunctive relief, suspending the effect of s. 253(2) of the Northwest Territories Devolution Act. The federal government has however appealed the decision.

The NWT has been the territory the most impacted by the federal *Action Plan to Improve Northern Regulatory Regimes*. Despite many consultations, there has been unabated opposition from all of the Aboriginal groups concerned. This should be no surprise since the merging of the three land claim boards into a single "super board" has affected recently signed land claim agreements. The new "super board" will also be farther from the communities, and the influence of each Aboriginal group will be quite diminished.

In Yukon (Bill S-6)

The Yukon First Nations were also impacted by the action plan of the federal government. The Yukon Environmental and Socio-Economic Assessment Act (YESAA) was first drawn up in 2005, as a requirement under the Development Assessment chapter of the Yukon First Nations Umbrella Final Agreement (UFA). It was developed by the Council of Yukon First Nations, the Government of Canada, and the Government of Yukon, and it establishes the Yukon Environmental and Socio-Economic Assessment Board (YESAB) as an independent body responsible for environmental and socio-economic assessment. As part of the *Action Plan to Improve Northern Regulatory Regimes*, Bill S-6 amends the YESAA.

As in the NWT, there was widespread opposition to the change proposed by the federal government. Four aspects of the bill were of concern to Yukon First Nations: 1) section 34 empowers the federal government to give binding policy direction to the YESAB (similar to Bill C-15); 2) Canada can choose, under section 2, to delegate its powers to the Yukon Government; 3) sections 23 (2) and 16 impose maximum timelines—the YESAB has 15 months to make its recommendations and nine months to complete its evaluation of a project; if the YESAB needs more time it has to make a request

to the federal minister; 4) finally, section 14 will allow for exemption of projects that come up for renewal—they can get approved without having any YESAB assessment. (Council of Yukon First Nations 2014). These changes are seen as a breach of agreements by the First Nations:

> The four problematic and substantive amendments […] give undue power to the federal and Yukon governments and upset the tripartite balance inherent in YESAA as currently written. In supporting these amendments, Canada and Yukon have put up roadblocks to meaningful collaboration, and these actions have strained intergovernmental relations to a degree rarely seen since the Final Agreements were signed (Joseph, R. 2015 [Chief Roberta Joseph of Tr'ondëk Hwëch'in First Nation]).

Unlike the NWT, Yukon already had a single impact review board, so in this case, the issue was to facilitate project approval by imposing tighter deadlines and tighter federal control over the process. The changes were thus not as drastic but nonetheless they give to the federal government a tighter control on the YESAB. The Yukon First Nations have threatened to take court action but at this time have not filed a lawsuit.

In Nunavut (Bills S-6 and C-47)

In Nunavut too, there was no need to merge boards since there is only one land claim agreement. The focus was entirely on shortening the approval timeline, and that goal was achieved with bills C-47 and S-6.

Bill C-47 was the first federal bill concerning Nunavut to be part of the *Action Plan to Improve Northern Regulatory Regimes*. It modified the Nunavut Planning and Project Assessment Act in 2013. Bill S-6 amended the Nunavut Waters and Nunavut Surface Rights Tribunal Act. The bills, among other things, introduced timelines to speed up the review process. They did not cause many reactions. Bill S-6 had support from both the Nunavut Water Board (NWB) and the Nunavut Impact and Review Board (NIRB), since, for the Nunavut Water Board, "*The Nunavut portion of Bill S-6 does not affect the land use planning and project assessment aspects of the Nunavut regulatory system"* (NWB 2015).

The only concern raised has been about the timelines for the water licensing process. The Nunavut Water Board thinks that these provisions might not be "sufficiently flexible to account for the issues beyond the NWB's control that can—and regularly do—affect the Board's ability to process applications in compliance with the 9 month time limit proposed under s.55.2" (NWB 2015). The NIRB shares this concern (NIRB 2015). According to the NIRB and the NWB, consultation was adequate and their proposals were taken into consideration (NWB 2015; NIRB 2015). In fact, the only real concerns in Nunavut have been about whether funding will be adequate for the board to review a project in a timely manner. These boards are indeed federally funded, and there has been ongoing dispute with the federal government over their inadequate funding. Following the lawsuit from Nunavut Tunngavik Inc. (NTI), which was amongst other things blaming the underfunding of these boards, the federal government recently announced a substantial increase in funding for all Nunavut boards (Nunatsiaq News 2015).

The reform of the regulatory system in Nunavut has thus been much less controversial than in the NWT and Yukon : the process has had full support from NTI, the organization representing the

Nunavut Inuit (Nunatsiaq News 2013), although the Nunavut amendments had no impacts on board powers, which are in fact limited to making recommendations to the Minister.

Conclusion

The effort to simplify the regulatory process in the North can be seen as a way to improve decision making, as claimed by the federal government, a view supported by the NWT, Yukon, and Nunavut governments as well. There is, however, a different way of interpreting this reform. As mentioned in the introduction, land claim agreements have been a means for Aboriginal people to regain control over their ancestral lands. In addition, the creation of local boards had been a clear illustration of the subsidiarity principle. The federal government, through its action plan, has unilaterally watered down this principle in the NWT by merging the land and water boards into a super board. Although Yukon has been less impacted, the YESAB has similarly seen its powers curtailed by Bill S-6. Only Nunavut has been spared, but, as mentioned earlier, none of the boards in charge of reviewing and regulating resource development have decision-making powers. These changes also show that the federal government feels it has to control the multilevel governance that has resulted from land claims, even at the cost of litigation. It will be interesting to see the outcome of the Tlicho case, which will determine whether the federal government can unilaterally amend land claim agreements. The decision, if favourable to land claim organizations, could be a game changer and entrench the subsidiarity principle that the land claim and self-government process has established. If, however, the federal government wins the case, Aboriginal self-government will, like the devolution process, become more controlled, thus entrenching the federal government's dominance in the MLG process.

The federal government's agenda is also open to question. In recent years, there has been a clear trend, at the federal level, toward trying to facilitate approval of development projects in Canada. For example, changes were made to the Fisheries Act to eliminate the need to consider fish habitats in development projects. This might seem like a trivial change but, in fact, Fisheries and Oceans Canada has often invoked protection of fish habitats to challenge development projects (Olszynski & Grigg 2015).

The same reasoning lies behind the effort to streamline decision-making processes in Yukon, the NWT, and Nunavut. Furthermore, the need to streamline has been used as an argument in the NWT even though, as seen earlier, the Mackenzie pipeline project failure can hardly be attributed to the impact review process. This argument is certainly not valid in the case of Yukon, where the impact review process was already managed by one board, the YESAB. Nor is it valid in the case of Nunavut, which has only one land claim agreement and one level of government.

Notes

1. The committee was made up of representatives of the Mackenzie Valley Land and Water Board, the Mackenzie Valley Environmental Impact Review Board, the Gwich'in Land and Water Board, the Sahtu Land and Water Board, the Canadian Environmental Assessment

Agency, the National Energy Board, the Environmental Impact Review Board for the Inuvialuit Settlement Region, the Joint Secretariat for the Inuvialuit Settlement Region, the Environmental Impact Screening Committee for the Inuvialuit Settlement Region, the Inuvialuit Game Council, the Inuvialuit Land Administration, and Indian and Northern Affairs Canada. The Deh Cho First Nation, the Government of the Northwest Territories and the Government of Yukon were observers. The long list of organizations exemplifies the institutional complexity of the NWT but also show a will to cooperate.

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Governance of Sustainable Mining in Arctic Countries: Finland, Sweden, Greenland & Russia

Heidi Tiainen, Rauno Sairinen & Olga Sidorenko

Finland, Sweden, Greenland and Russia are all partly or fully Arctic countries that are seeking to develop new possibilities for mining and for promoting the regional economy in their respective northern territories. Even though mining can spur economic development and create new wealth within previously undeveloped regions, there is also the potential for causing negative environmental effects and irrevocably shaping the social dynamics of Arctic communities and indigenous ways of life. In this article, we will compare the national policy strategies, regulation and tools for sustainable Arctic mining. In addition, we will also review questions related to social acceptance, coexistence with indigenous people and traditional livelihoods as well as the state of corporate social responsibility. The four countries share the goal of sustainable mining at a strategic level and are influenced, to some extent, by global trends in mining, but the concrete governance of sustainable mining has evolved very differently in each country-specific context.

Introduction and background

Over the past decade governments, private investors and mining companies have begun to regard the Arctic as a promising source of mineral wealth with significant deposits of gold, diamonds, platinum, nickel kimberlite and other precious stones (Howard 2009). To some extent this interest reflects the increase in the market price of minerals, driven mainly by a massive growth in demand from China and other rising economies through increasing urbanization and population growth. The impact of climate change is also playing its part in creating new opportunities for the mining sectors. Vast new areas of land are becoming more accessible during longer periods of time during the year, thereby extending the working and exploration season by several weeks. Northern territories, which were previously unattainable, or where the costs of operation were too high to warrant development, are now becoming economical. This trend in the "opening" of the Arctic is expected to continue into the future.

Mining and other natural resources industries are key economic drivers for Arctic countries and create new opportunities for development in their northern regions. In Finland and Sweden, for example,

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there has been a large growth in the mining sector over the recent decade. The Russian Arctic already has well-established industries, such as oil and gas production, mining and ore processing which are concentrated in these areas (*Fundamentals*… 2008; *Development Strategy* … 2013).

Mining, as with oil and gas and other natural resource developments, has the potential to not only spur economic development and create new wealth, but also to harm the environment and irrevocably shape the social dynamics of Arctic communities and indigenous ways of life (Affolder 2011: 526−527; Haley et al. 2011). Mining development in the Arctic can be further complicated by its extreme climate, remote locations, lack of infrastructure as well as limited labor supply.

There is also a real concern related to socio-economic impacts of mining in these regions, where new development could negatively impact the already established informal economy, consisting primarily of subsistence hunting, fishing, and herding, which are a crucial cultural component, and are essential to the quality of life of local inhabitants (AHDR 2004). As a result of the many drawbacks and negative impacts shown to be connected to mining, there has been growing discussion of the sustainability, responsibility and acceptance of mining, together with changes in how these issues can be governed and evaluated (e.g. Azapagic 2004; Whitmore 2006).

Extractive industries are primarily based on non-renewable resources and are inherently unsustainable activities. A "strong sustainability" principle requires that current human activities do not eliminate future options and would therefore rule out mining as a sustainable development strategy. The "weak sustainability" principle, however, posits that different forms of capital, such as natural, human, social and produced, are substitutable. According to this, mining could promote sustainable development if "it gives rise to long-term benefits (environmental, social, and/or economic) that equal or exceed the values that existed prior to exploitation" (Amezaga et al. 2011: 21). Therefore, despite extractive non-renewable resource industries, such as mining, being inherently unsustainable activities, if done responsibly they could give rise to improved social conditions, quality of life and promote further economic development.

The social component of sustainable development, which includes community relations and social acceptance, is a critical yet difficult concept to grasp (Suopajärvi 2013). Conflicts over the development of resources, and the distribution of impacts and benefits, are often significant in socio-political and socio-economic terms.

In this article, we shall compare the national policy strategies, regulations and tools of Finland, Sweden, Greenland and Russia for sustainable mining in the Arctic. In addition, the paper reviews the current state of social acceptance of mining, coexistence with indigenous people and traditional livelihoods and the state of corporate social responsibility policies for mining in the Arctic. We argue that sustainable governance in the Arctic, especially for mining, requires a multifaceted approach to policy contents and policy tools. The article is based on an analysis of formal policy documents, legislation and earlier research.

The countries being compared herein represent very different types of institutional societies and have varying levels of mining experience throughout their histories but overall are representative of how the mining industry operates in the Arctic. Russia is a traditional mining country with a socialist-state

ideology and a mining industry still dominated by state owned companies. Today Russia mainly struggles with a lack of institutional capacities for governance. Finland and Sweden are Nordic welfare states, with strong state institutions that have experienced a recent mining boom, mostly dominated by international companies, and have had to adjust with recent and extensive regulatory changes. Finland, for example, throughout its mining history has been until now dominated by state-owned companies; with the introduction of international companies came also recent changes to mining and environmental regulations. Greenland has some history of mining, mostly controlled by Denmark, but now is an emerging mining country that recently received larger resource management autonomy and has had to develop its own governance framework.

Finland, Russia and Sweden are some of the key metal and mining producing countries in the European Arctic (Kokko 2014, *Government offices of*…2013). In 2011, Sweden accounted for 80-90% of iron ore in the EU (SveMin 2012: 3). The Russian Arctic zone is a traditional mining region producing a vast range of mineral commodities (Dobretsov & Pokhilenko 2010; Kaminsky et al. 2014; Matveev 2015). It is ranked among the world's leading producers of nickel (12% of total world output), aluminum (8%), copper (6%), diamonds (29%), and gold (8%) (EU Mineral Statistics 2013). While Greenland does not currently have operating mines, it has vast mineral reserves that have drawn increasing interest both globally and from the EU. Greenland has ambitious plans to expand their mining industry (*Government of Greenland* 2014).

Arctic mining industry in the national context

Finland

During the 2000s, the mining industry in Finland experienced a new "boom" (Kokko 2014). The previous prosperous era of mining in Finland ended in the late 1980s and was led by the state-owned mining company Outokumpu. In 1994, Finland joined the European Economic Area (EEA) and the Finnish mining sector was opened up to international actors, but it was not until the beginning of 2000s that the country really began to draw the interest of international mining companies (Hernesniemi et al. 2011: 137). Today international companies dominate the mining sector (Kokko 2014: 15).

Geographically speaking, mining activities are concentrated in the Eastern and Northern parts of Finland, which typically suffer from a declining population and a lack of economic opportunities. In 2013, there were 12 metal ore mines in operation in Finland, with the primary products consisting of chrome, zinc, nickel, cobalt, gold and silver. Major mining projects located north of the Arctic Circle include Kittilä, Pahtavaara and Kevitsa. In addition, Anglo American Ltd plans to open a mine in Sodankylä. The Kittilä gold mine, operated by Agnico Eagle, is the largest gold mine in Europe. At Pahtavaara gold mine production was halted in 2014 when the mining company Lappland Goldminers AB, filed for bankruptcy. Of the mines in Finland, Kevitsa copper and nickel mine has been evaluated as the mine providing most employment and with the vastest impact on the regional economy (Laukkonen & Törmä 2014).

In 2012, mining production value contributed to 0.6 % of the Finnish GDP (ICMM 2014). The annual turnover of metal ore and industrial minerals in 2013 was over EUR 1.5 billion and exports in the minerals industry amounted to around EUR 126.5 million. In 2013, the mining industry directly employed approximately 3,000 people and indirectly 7,500 to 10,500 people through subcontractors (Kokko 2014).

Sweden

Mining has been an important part of the Swedish economy for centuries. In 2012, mining production value contributed to 1% of the GDP (ICMM 2014). In the end of 2012 there were 16 ore mines in operation (*Government Offices of…* 2013). Swedish mining accounts for about 11% of all exports and provides direct employment to approximately 10,000 people and indirectly 35,000 people in the country (SveMin 2012: 5). Sweden has a globally competitive minerals cluster with a leading position as a manufacturer of mining equipment (SveMin 2012: 5). The Swedish mining industry's most important product is iron ore, but it is also an important producer of copper, zinc, lead and silver within the EU (*Government Offices of…*2013: 11).

Some of the most significant mines in Sweden are located north of the Arctic Circle. Kiruna is the largest underground iron ore mine in the world (LKAB 2015a), and is also known for the massive relocation project of the city of Kiruna. Malmberget is the second largest underground iron ore mine in the world (LKAB 2015b). Aitik is the largest copper mine in the country (Boliden 2015). Other Arctic mining projects in Sweden include Rakkuri, located near Kiruna, and Gruvberget.

The iron ore industry was long dominated by the state-owned mining company called LKAB, until 20 years ago when Sweden allowed entry of private-sector interests in the mineral resources industry (Walker 2011). By the late 1990s, a number of large-scale international companies entered Sweden and in 2004, the commodity price boom encouraged increasing interest in explorations (ibid; Ejdemo & Söderholm 2011). There is still potential for extensive increases in the mining sector particularly in Northern Sweden (SveMin 2012).

In order to further develop mining, Sweden will have to increase its labor supply, improve its infrastructure, develop a more competitive energy supply market and ensure an effective permitting process (SveMin 2012). Specifically the transportation capacity issue is one that is vital to the expansion of the mining industry and is being currently looked at as collaboration between Sweden and Finland (see Rantala et al. 2012).

Greenland

Planning of exploration and mining activities in Greenland has dramatically increased during the 2000s. With vast resources such as zinc, lead, iron ore, gold, platinum, uranium, rare earth elements and coal (*Statistics Greenland* 2013), Greenland has recently drawn the interest of several international actors. Greenland has perceived the development of mining as a tool for gaining a more independent position from the rule of Denmark (Nationalia 2013; *Government of Greenland* 2011: 8; Guardian 2013). Greenland seeks to turn mining into a major contributor into the national economy, whereas currently fishing and the annual block grant from Denmark are the main sources of income (Statistics Greenland

2013). Greenland made a final push in 2009 with the adoption of the Act on Self-Government (Act no. 473) under which it receives greater rights to self-govern including mineral resource developments (*Statsministeriet* 2009; *Government of Greenland* 2009: 7).

Current mining activities in Greenland are mainly composed of exploration activities but a number of mining projects are approaching an advanced stage (*The Ministry of Finance*… 2013: 9). In 2014, there were six exploitation licenses in force (*Mineral License and*… 2014: 11). The number of applied and granted mineral licenses in the country increased steadily between 2002 and 2012 (*Government of Greenland* 2012: 13). At the same time, investments in exploration have grown significantly and in 2011 it reached nearly DKK 700 million (*Government of Greenland* 2012: 14). In 2010, the industry turnover was DKK 24.1 million (*Statistics Greenland* 2013: 21).

Russia

Russia's mining industry is the country's most important sector after oil and gas. The extractive industry – including oil, gas and mining – is a key driver of economic growth with a widespread effect throughout other sectors of the economy (Federal book 2011; Rosstat 2013). In 2012, mining production value contributed to 4.4% of the GDP (ICMM 2014).

Russia is a globally significant producer of a vast range of mineral commodities, including aluminum, arsenic, cement, copper, magnesium compounds and metals, nitrogen, palladium, silicon, and vanadium (EU Mineral Statistics 2013). Russia has the world's second biggest proven coal reserves and it has been dubbed as the "Saudi Arabia of coal." Currently the country accounts for 4.5% of global coal production (Multanen 2013).

There are 7425 officially opened mining spots, of which 1909 are in use (Petrov 2010). The main mining region is located in the Russian Arctic, with 10% of the world's proven nickel reserves, about 19% of the world's platinum group metals, 10% of titanium, as well as gold, zinc and cobalt (Bortnikov et al. 2015). The most significant Arctic mining deposits are located in Sakha region, Kola Peninsula, Norilsk area and East Siberia. Domestic private corporations and state-owned companies dominate the industry (Minerals Yearbook 2012).

Currently the Russian extractive industry is undergoing growth of mining activities (Rosstat 2013). However, positive economic results were reached mainly because of supplementary exploration of existing mines and revaluation of the resources (Federal Book 2010). Until 2009, about 80% of mining production came from "old deposits" opened up in Soviet times (ibid). The industry seriously lacks investments on geological exploration of new mining deposits (Natalenko 2015).

Sustainability in national mining strategies

Being member countries of the Arctic Council, Finland, Sweden, Greenland (through Denmark) and Russia, have acknowledged the importance of sustainable use of natural resources and sustainable business for the future of the Arctic (*Kiruna Declaration* 2013). This means that they should promote sustainability also in the extractive sector and in national mining policy.

All four countries have recently established national mining strategies. The countries point out the importance of sustainability or sustainable development but with slightly different focuses. None of the countries has a specific strategy for Arctic mining but in addition to mining strategies, Finland, Sweden and Russia have national Arctic strategies.

Finland's Minerals Strategy (2010) aims to make the mining industry a cornerstone of the national economy and to make the country a global leader in sustainable mining by 2050. The Finnish Strategy focused on the industrial development of mining and responsible mining. The three main objectives of the Strategy are to promote domestic growth and prosperity, solutions for global mineral chain challenges and mitigating environmental impact. At the same time as the Strategy, Finland also modernized its mining regulations with the aim of ensuring there are sustainability targets for the mining industry. During 2010-2012, a few serious incidents involving mining water in Talvivaara mine initiated major public debate on the sustainability of the mining industry. The action paper for Finnish mining sector from government and other stakeholders was launched under the title "Making Finland a leader in the sustainable extractive industry – action plan" (MEE 2013). Based on the guidelines defined in the round-table discussions between wide range of stakeholders, the plan proposed 35 measures for mining sector to operate environmentally, socially and economically sustainable manner.

Finland has a subsection dedicated to the mining industry in the national Arctic Strategy (*Valtioneuvoston kanslia* 2013). The Strategy envisions Finland at the forefront of sustainable Arctic mining and stresses environmental aspects and social sustainability. Technologically sustainable solutions are perceived as a business opportunity for the country (ibid: 9). Overall, the focus of the Strategy is primarily on operational conditions such as the increasing need for transportation infrastructure and the importance of securing enough labour, resources and competent supervising authorities (ibid: 29-30).

The Sustainable Mining Network launched by Sitra serves as a forum for discussion between the mining sector and its stakeholders. The working groups include the development of independent activities, social responsibility, the prevention and decrease of adverse environmental effects as well as the development of local operation models (www.kaivosvastuu.fi).

In all these Finnish strategies and initiatives the notion of sustainable mining in the Arctic is left unaddressed and they only briefly state that the complexity and sensitivity of the environment are to be considered (see Kokko 2014: 61).

The Swedish Minerals Strategy was published in 2013 and highlights the need for growth of the mining sector but with a strong emphasis on sustainability (*Government Offices of* … 2013). The Strategy does not assess Arctic mining as such but identifies the North as an important region for the mining sector but also with notable natural and cultural values. Coordination and dialogue among the various industries, including reindeer husbandry, is promoted.

The Swedish Minerals Strategy identifies five general strategic objectives for the mining industry: 1) a mining and minerals industry in harmony with the environment, cultural values and other business activities; 2) dialogue and cooperation to promote innovation and growth; 3) framework conditions &

infrastructure for competitiveness & growth; 4) an innovative mining and minerals industry with an excellent knowledge base; and 5) an internationally renowned, active and attractive mining industry.

The Swedish Arctic Strategy identifies mining, together with petroleum and forestry, as an economic opportunity for the country (*Government Offices of…* 2011: 32). The expansion of resource extraction is pointed out to increase the risk for local emissions and the need for transportation infrastructure, which is again perceived as an economic possibility (ibid: 15; 27). The Strategy states that future extraction should be conducted sustainably. Accordingly, the especially sensitive areas are to be protected from extraction, more environmental assessments are needed and that the State will work for long-term transportation solutions to promote sustainability. Sustainability is not addressed in regard to the social dimension as such but it concludes that Sweden will seek to bring forth and manage the negative social impacts of natural resources development all while utilizing, as much as possible, the problem solving tools that consider the Arctic context more actively (ibid: 41). The Russian Mineral Strategy, the so-called Geological Strategy, was adopted in 2010 (Russian Mineral Strategy 2010). Among the strategic objectives are improvements to the mining legislation, increasing investing attractiveness and strengthening mining Research & Development. The Strategy highlights the importance of mining activities for the country and the need to "move on to the new stage", based on sustainable use of natural resource, reduction of negative environmental and social impacts as well as minimization operational risks. The Strategy was of great importance in guiding the new decision-making process however, it lacks legislative support (*Parliament hearings on …,* 2010). The majority of the current mining legislation was established in 1990s during different economic and social times and still requires updating.

Several issues related to Arctic mining are reflected in the Development Strategy of the Arctic Region of Russia, issued in 2008. It identifies Russian national interests in the Arctic as being strongly linked to resource development. Arctic mining development is also discussed in regional policies of the Russian northern regions which address the issue in a more detailed manner (see Fundamentals of Sakha's regional policy 2012; Development Strategy of Murmansk region 2013).

Greenland updated its mining policy document in 2014 and while being highly growth-oriented, the Oil and Minerals Strategy highlights the importance of sustainability (*Government of Greenland* 2014). The Strategy of 2009 focused on increasing exploration activity and aims to have at least five to ten active mines in Greenland in the long term (*Government of Greenland* 2014: 7). One of the focuses of the document is to ensure that the benefits of mining are felt within the Greenlandic society in the form of employment and increased income. It also specifies certain priorities for sustainable development such as environmental protection, labor market and employment, training and citizens, local community and stakeholders. However, notable attention is paid also to the needs of the mining industry in terms of operational conditions. In addition, the Greenlandic government has undertaken various legal reforms to further encourage mining development in the country.

Regulatory frameworks and policy tools for sustainable mining

One of the state level challenges for environmental sustainability in mining is how to establish an efficient and trustworthy regulatory framework that minimizes the potential harmful environmental

effects of the industry (UNEP 2002; Bastida 2002: 5). In practice, the key regulatory framework for mining includes mining laws, which constitute the general framework, and are supported by environmental policies and regulations, as well as environmental impact assessment (EIA) and land use planning systems. In addition to the 'hard law' instruments governing the mining industry, countries and companies have also developed their own 'soft law' instruments such as sustainability principles and CSR practices. In addition, all four countries have introduced a variety of guiding principles and best practices to be followed. For example, Finland and Sweden have recommendations regarding exploration and mining activities in areas with particular environmental, cultural or other interests. In Finland, there is also guidance for stakeholder engagement in exploration and for practices supporting environmental regulation and socially sustainable mines in the north (Eerola 2013; Kokko et al. 2013).

In Finland, the central mining regulations are the Mining Act, the Environmental Protection Act and the Act on Environmental Impact Assessment Procedure (468/1994). The new Mining Act has been perceived as an improvement in terms of environmental governance, participation possibilities of local communities (Pölönen 2012) and rights of Sami People (Pettersson et al. 2015: 238). In 2011, the Finnish Environment Institute published a guide on the best environmental practices for metallic mineral mines (Kauppila et al. 2011). In 2013, some changes were made to environmental legislation and extra tests were required for mining sites because of the water pollution problems at the Talvivaara mine (Tiainen et al. 2014).

In Finland, the EIA has two stages: an assessment program and an assessment report. The Finnish EIA typically involves two hearings; one in each stage of the process (Pettersson et al. 2015: 246-247; 251). In Finland, the social impacts are to be considered during the EIA. A special guidance for EIA in mining was published just recently which should improve the management of local mining conflicts (TEM 2015). Recently, Finland has examined the possibilities for streamlining the EIA process with the permitting process (Tarasti et al. 2015).

In Sweden, mining activities are regulated under the Minerals Act (1991:45) and the Minerals Ordinance (1992: 285) (SGU 2007). The environmental aspects are under the Environmental Code (1998: 808) (Michanek 2008). In addition, a set of other regulations such as the Reindeer Husbandry Act and the Planning and Building Act are of relevance. The Swedish legal framework has somewhat conflicting purposes between the two major laws, as the Minerals Act simply promotes exploitation and the Environmental Code sustainable development (Pettersson et al. 2015: 251).

In Sweden, the specific requirements for the EIA can vary depending on if the environmental impacts of the project are potentially significant (Legislative Bill 2005: 53). The process frequently involves one hearing (Pettersson et al. 2015: 251). Social Impact Assessment (SIA) is not required by law and typically, the social impacts of mining are overlooked though some companies voluntarily undertake SIA (Pettersson et al. 2015: 238). The Swedish practices are seen as inadequate at properly considering the so called "zero-option," cumulative impacts and lack true discussions on a project's alternative contents (Longueville & Carlman 2013; Oscarsson 2006; Pettersson et al. 2015: 214). At the same time, some of the current provisions on EIA under the Environmental Code have been criticized for being overly complex and difficult to apply. To reduce the bureaucracy associated with mining, the

Swedish Government has tried to coordinate and simplify the EIA and narrow down the number of authorities involved in mining issues. In addition, the Strategy states that a manual on mining activity assessment for the industry shall be compiled (*Government Offices of*… 2013: 33-35.) According to the national Arctic strategy, Sweden will also promote greater use of EIA in the Arctic for example in mining (*Government Offices of*… 2011: 27).

In Greenland, the Mineral Resources Act (2010) forms the basis for the regulation of mineral resources and mining activities. The Mineral Act brought along changes in regard to public participation and impact assessment. The Large-Scale Law regulates the possibilities for using foreign workforce in mining (Hannibal 2013). While in principle, the Act prioritizes Greenlandic workforce, the mechanisms for ensuring local employment are unclear (*Committee for Greenlandic*… 2014). The amendments in the Mineral Resources Act in 2012 strengthened the regulations that promote or require agreements on social sustainability such as Impact and Benefit Agreements (IBA). The amendments in 2014 brought along changes in regard to public participation in impact assessment by introducing the pre-public consultation. A noteworthy renewal towards improved sustainability was the new division of responsibilities between mining authorities in 2014 (*Government of Greenland* 2014: 12). In Greenland, the effectiveness and clarity of the legal framework will be demonstrated in the future when the mining operation starts in practice. Still today, the authorities lack expertise on mining matters in general and are still relying heavily on external consultants.

The Greenlandic framework requires both an environmental impact assessment (EIA) and a social impact assessment (SIA) to be conducted before a license for development may be negotiated. Greenlandic authorities have established guidelines for both EIA and SIA processes (BMP 2011; BMP 2009). The SIA guidelines propose certain issues, related to the special characteristics of Greenlandic society, to be treated with particular attention (BMP 2009: 5). SIA serves as the basis for the negotiations of an Impact Benefit Agreement (IBA) (BMP 2009). In Greenland, the IBA is an important tool for ensuring that benefits of individual mining projects are directly invested back into social development (*Government of Greenland* 2014: 93). IBA is a formal contract involving the mining company, associated municipalities and the national government (*Government of Greenland* 2013: 7). IBA is seen as central for ensuring provision of skills-development projects and working opportunities at the local level (The Ministry of Finance and Domestic Affairs 2013: 42). According to the recently introduced pre-hearing process, if a project has notable social or environmental impacts, the applicant must arrange a public pre-consultation before the contents of the EIA and the SIA are determined (The Mineral Resources Act unofficial translation 2009: § 87a).

In Russia, mining is regulated by the Russian Federal Law on Subsoil Resources issued in 1992 (*Subsoil Law* 1992) and the Russian Federal Law on Production Sharing Agreement *(Federal Law on* … 1995). It sets out a framework for contract negotiations between the state and investors on the extraction of mineral resources for production revenue sharing. According to Russian legislation, the Russian state owns all subsoil resources. The state may hire an investor as a contractor for the extraction of minerals, but it retains ownership of the resources (*Federal Law on*…1995). The Russian licensing system is based on the Subsoil Law, which requires companies with user rights to the land to consider certain obligations, such as the prevention of industrial waste and complying with particular technological and

environmental quality standards (Söderholm et al. 2015). In general, while Russia has established major revisions to its legal framework, the changes have remained minor in practice (Pettersson et al. 2015). In the Russian context, the lack of predictability of the regulatory system, the absence of coordination between the authorities and vagueness of competence across levels of authority are creating problems (Söderholm et al. 2015).

In Russia, the conditions on EIA are defined under the Federal Law on environmental Protection, published in 2002, and the Federal Law on environmental expert review (or Law on Environmental Expertise 1995). According to Russian legislation, mining projects need to pass environmental expertise to prevent possible environmental impacts. In Russia the EIA (or so-called OVOS procedure) is one of the main components of the Environmental expert process, and assesses the impacts of a potential development, while the Environmental expertise is a process of reviewing the results and documentation of the assessment (Solodyankina & Koeppel 2009; Cherp & Golubeva 2004). Guidelines for EIA are determined in the Act on implementation of Environmental Impact Assessments (2000). Public participation is considered as an integral part of the EIA process. In 2006, the law was amended so that the definition of an environmental impact no longer includes 'related social, economic and other project impacts' (Wilson & Swiderska 2009). The demand from civil society to take part in the decision making process is quite insignificant (Fifka & Pobizhan 2014; Polishchuk 2009; Riabova & Didyk 2014). The relative scarcity of people's activity and undeveloped mechanisms of interaction has led to the formal implementation of the public participation processes.

Social acceptability of mining

The growing emphasis on social acceptability[1] is an integral part of achieving sustainable mining (Prno & Slocombe 2012). In the mining industry participation and empowerment are understood to be more likely to lead to approved and supported mining projects than more closed practices.

Finland and Sweden are internationally recognized as being stable operational and investment environments for the mining and ranking consistently at the top of the Fraser Institute's mining survey (McMahon & Cervantes 2012; Jackson 2014).

In Finland, the public acceptability of mining was underlined as a challenge in the 2010 Minerals Strategy (Finland's Minerals Strategy 2010: 13), mostly due to the environmental problems encountered at Talvivaara (MEE 2013). Talvivaara spurred environmental organizations, the media, the civil society and individual politicians to take part in a heated public debate around mining and the associated environmental issues (Tiainen et al. 2014). In general, water management has been a reoccurring theme in the Finnish mining debate (Wessman et al. 2014). Since Talvivaara, the role of open and transparent dialogue between the various actors has been more strongly emphasized in the Finnish mining policy. During the recent years, several policy programs, cooperation bodies, working groups and academic works have targeted the socio-environmental issues of mining. Nonetheless, a recent attitude survey indicated that in Lapland the general acceptance of mining is slightly stronger than in other mining regions of Finland (Jartti et al. 2014; Jartti et al. 2012), but they were slightly more critical towards international companies, favoring state ownership in mining.

In Greenland the public debate has challenged the acceptability of the mining industry on the basis of weak government mining policy and poorly conducted public participation (Arctic Journal 2013b; Arctic Journal 2013c; Jacobsen 2014). Historically, the aim of mining expansion is nothing new in Greenland but the Self Government Act of 2009 stimulated further anticipations towards mining. By the end of 2013, various legal and political reforms such as the abolishment of the zero-tolerance policy on uranium mining and allowance of hiring the foreign workers for mining projects have generated heated public debate. One of the primary concerns has been the lack of public participation in the decision-making around mining. The government has sought to enhance the situation by introducing a pre-hearing process and a fund to support the participation of various stakeholders in the impact assessment processes (Government of Greenland 2014: 90-94).

In Sweden, the question of acceptability has not received much attention yet. A recent study examined the practices of Swedish mining companies in gaining social acceptance. It indicated that the mining companies with a long history in Sweden have, over the time, gained the acceptance of the surrounding society whereas the newer companies face criticism even with extensive efforts to gain social acceptance (Tarras-Wahlberg 2014). Typically, the mining conflicts in Sweden are related to land use, reindeer herding and environmental values (e.g. Local 2013; BBC 2014). However, the absence of intense public discussion on mining may be partly explained by the characteristics of Sweden as a country of interest group politics where political activity rarely takes place in the form of open public debate (Lundqvist 2004). Also, there have not been major incidents in the Swedish mining sector during the recent years to trigger a more heated conversation.

Despite the large number of mining areas and activities in Russia and the low number of observed company-community conflicts, the social acceptance of mining in Russia is not of big concern or debate (Polishchuk 2009; Riabova & Didyk 2014; Walker 2011). Historically, and also due to social and political reasons, mining companies in Russia are not facing big challenges in getting social acceptance (Riabova & Didyk, 2014). First, local people traditionally accept mining activities in the northern region. During Soviet times, the Arctic communities were settled near industry, often in close proximity to a mineral deposit (see Bolotova & Stammler 2010). Many Russians moved to the North following the establishment of industrial enterprise in the territory. After the collapse of the Soviet Union, a number of industrial-based towns have disappeared, however many still exist and enjoy some of the new opportunities for socio-economic development and employment. Secondly, the Russian civil society remains quite weak and SLO has not risen to the public agenda in a similar way as in the Nordic countries.

Coexistence with indigenous people and traditional livelihoods

The pressure on land use in the European Arctic is increasing because of economic and environmental reasons (*Strategic Assessment of…* 2014a). In the Finnish and Swedish mining strategies, coexistence of mining with other land uses and livelihoods is an important issue (Finland's Minerals Strategy 2010: 13; MEE 2013; *Government Offices of…* 2013). Northern parts of Finland and Sweden have a number of competing land use interests including recreational use, mining, environmental protection, reindeer husbandry, and energy production (*Strategic Assessment of…* 2014b; *Government Offices of…* 2013: 26-27).

In northern Finland, mining projects are often located nearby tourist destinations and nature protection areas. Studies indicate that the perceived impacts of mining on the image of a region vary on case by case, but for some destinations the impacts may be significant (Jokinen 2014).

In Greenland and Russia, there is no similar pressure in regard to land use because of the vastness of their territories. However, in Greenland effects on fishing and other traditional livelihoods as well as questions concerning housing for mining workers will become significant issues in the future (Carlsen 2011).

In Arctic mining areas, reconciling the interests of mining with the traditional livelihoods of the local people such as reindeer herding and indigenous people's rights are central issues in mining development.

In Finland, there is not yet mining on Sami Homeland areas but there has been a significant discussion about the potential conflict with future developments (Näkkäläjärvi 2015). The new Mining Act improved the position of the Sami in resource development and a guide was recently published on best practices for exploration activities in protection areas, Sami homeland and reindeer herding areas (TEM 2014). Indigenous Sami Homeland areas are 'protected areas' in which mining activities require special permits. The Reindeer Husbandry Act (848/1990) stipulates that in the reindeer husbandry area, activities that may significantly hamper the conditions for reindeer herding are prohibited.

In Sweden, conflicts have emerged between mining companies and the Sami that have drawn significant attention to the issue of land use (Langston 2013; Mines and Communities 2011). The Sami have also reached out to UN to stop mining projects from proceeding (Saami Council & Minerals Policy Institute 2012). The Minerals Strategy states that a manual for consultation between reindeer husbandry and the mining industry should be drafted (*Government Offices of…* 2013: 27). In the Swedish legal framework, reindeer husbandry is protected under the constitution and regulated by the Reindeer Husbandry Act (1971: 437). In cases where activities disturb their reindeer operations, the Sami communities are entitled to compensation. The Environmental Code also provides reindeer husbandry a protected status as a national interest, however mineral deposits can also constitute a national interest. In cases when an area is of national interest for several conflicting uses, priority is given to the purpose which is best for the long-term management of the land (Liedholm Johnson 2010: 65).

In Russia federal legislation grants to the 'small-in-number' indigenous peoples (number of ethnic community is under 50,000 persons; 46 different groups) of the North, Siberia and Far East special rights with regard to land and the preservation of traditional ways of life. However, obstacles are often encountered in the exercising of these rights (Prina 2014; Fondahl 2014). In many cases, local land users, in designated industrial areas, are not given land rights, a factor that hinders effective impact assessment and regulation of industrial activity (Wilson & Swiderska 2009). Russian activists and academics have promoted legislative reform relating to the concept of etnologicheskaia ekspertiza (ethnological – or anthropological – expert review) (see Wilson & Swiderska 2009; Murashko 2008). The law 'On guaranteeing the rights of indigenous peoples' contains a reference to the anthropological

expert review (in referring to indigenous peoples' right to take part in ecological and anthropological expert reviews).

CSR in mining

Currently, the majority of mining companies operating in the Arctic are following some international standards, frameworks or guidelines in order to address their own responsibility towards sustainable development.

In Finland, there are vast differences in how mining companies have perceived the need to develop their CSR policies. In the beginning of the mining boom until 2010s, the Finnish general political atmosphere and mining industry was passive towards social responsibility strategies (Rytteri 2012). In 2010, the National Mineral Strategy did not give real attention to social responsibility issues. The attitudes changed dramatically after the Talvivaara mine issues which prompted the public to have very negative views towards mining (Tiainen et al. 2014). After that, some international mining companies operating in Finland decided to implement public engagement strategies (Rytteri 2012) as well as the Finnish Government has become active in this dialogue. In 2012, the Government approved a decision-in-principle to put Finnish enterprises and administration in a position of leadership in CSR (MEE 2012). In 2013, the action paper for Finnish mining sector (MEE 2013) proposed CSR as one of the main approaches for future development.

In Sweden CSR has become an established concept in business in general (De Geer et al. 2009: 272). The Minerals Strategy of Sweden states that the country is actively involved in international forums to develop CSR and business ethics (Go*vernment Offices of Sweden* 2013: 46), but does not talk about CSR in the national context or the expectations towards the companies. Mining companies have been slow to develop active policies for improving social acceptance and local communication, though differences between the companies exist (Tarras-Wahlberg 2014). A case study on Boliden, a big Swedish mining company suggests that the company needs a more systematic approach to dealing with community issues (Ranängen & Zobel 2014). A similar finding was made by Knobblock (2013: 165). Nonetheless, there are some signs of a shift in conduct with the companies (mainly new international ones) striving to engage a wider spectrum of stakeholders in consultation and improving the quality of EIAs (Tarras-Wahlberg 2014: 145-146).

In Greenland, mining is still in its beginning phase and so the CSR practices have not yet been tested. There is an active history of companies supporting local communities and practicing CSR in general (Arctic Journal 2013a.) and the expectations towards the mining industry in terms of education and training are rather significant. It has been argued that initiatives such as Transparency International and UN Global Compact are important for guiding companies' CSR practices (Brorman Jensen 2012; Rasche 2012). It remains to be seen how the general tradition of CSR in Greenland and international mining companies will influence the development of new CSR practices in the country.

In Russia, the concept of CSR has been under development for the past fifteen years. Large mining companies operating in Russia have started to incorporate international ideas of CSR since the early 2000s. In 2004, the move to social responsibility was firmly pronounced at the governmental level, as companies were urged to become "better corporate citizens", with the aim of shifting some social

functions from the state to the private sector (Fifka & Pobizhan 2014; WWF 2007). Mining corporations considered CSR as a tool that would enable them to operate and to compete as well as to increase trust among international investors (Humphreys 2011; Kuznetsov & Kuznetsova 2012). By contrast with other international instruments for responsible mining, the concept of CSR has been naturalized into the Russian socio-political environment with some country-specific interpretations. CSR in Russia is mostly focused on charitable activities, donations and company philanthropy (Fifka & Pobizhan 2014; Polishchuk 2009). From Soviet times, large companies inherited the responsibility of taking care of the surrounding communities. Being the major tax payers in the region they were the main producers of social services (Fifka & Pobizhan 2014; Riabova & Didyk 2014). This practice is still in force today. Within social programs, companies repair roads, build new schools, invest in sport as well as health and youth projects of the region. Relations between the municipalities and large resource-based companies are often framed by bilateral, trilateral or multilateral agreements on socio-economic partnerships between the company, municipality and/or regional government (ibid).

Conclusions

In this article, we have analyzed and compared the national strategies and policy tools, and reviewed questions related to social acceptance as well as aspects of policy content for sustainable mining in four Arctic countries: Finland, Sweden, Greenland and Russia. A summary of the comparative results can be seen in the Table 1.

The social dimensions and geographical setting in the Arctic as well as the national contexts in each country are quite different and greatly influence their individual sustainable mining policies. Mining in the Arctic faces particular challenges due to the sensitive socio-environmental characteristics of these regions.

It seems that in all four countries, there is a need to develop mining policies concerning indigenous people's rights, sensitive environmental values, challenging infrastructure development and economic opportunities. Arctic regions, in general, lack infrastructure and have multiple and competing land uses to contend with. For mining in particular, Finland and Sweden are focused on transportation infrastructure (roads and railroads) development in the Arctic, while Greenland is considering a public-private partnership model to fund some of the new infrastructure development projects (*Government of Greenland* 2014), but financing still poses a notable challenge for mining development in the country.

All countries have recently established national mining strategies. In these, the Arctic is not taken as its own special issue, but as part of the general policy approaches. The countries point out the importance of sustainability but with slightly different focuses. Finland and Sweden consider the role of technical innovations and research as well as the mine lifecycle approach as being central for encouraging improved environmental performance. In Sweden and Finland, mining strategies have a strong regional focus. Greenland, on the other hand, sees mining as a tool for social development as a whole by stimulating local economies as well as increasing local employment through skills development and training.

Table 1. Comparison of key strategies, policy tools and social acceptance promoting sustainability of mining by country.

	Finland	**Sweden**	**Greenland**	**Russia**
2012 production value (% of GDP) / Ranking in Fraser 2014	0.6% 1	1.0% 12	(no production) 41	4.4% 61
Mining strategies	National Mining Strategy 2010 New mining act 2011 Action plan 2013	National Mining Strategy 2013	National Oil & Mineral Strategy 2014-2018	Mineral Strategy of Development until 2030
Main interests of mining strategies	Economic growth, regional development, attract intern. investors, mining cluster, innovations for environment and technology, public acceptance	Economic growth, national companies and investors, mining cluster, innovations for environment and technology, public acceptance	Economic growth, local employment and education, national sovereignty, community acceptance	Economic growth, support of national economy, national control of resources, coordinate common targets, improvement of legislation
Acceptance of mining	In Lapland acceptance good, Talvivaara influenced negatively, policies for improving the situation	General acceptance high, some conflicts rising	Mining is high political issue, critique towards government policy and participation practices	General acceptance high, some conflicts with indigenous people, civil society not active.
Environmental regulation	Standards at good level, problems in water pollution, renewed regulation	Standards at good level.	Recent revisions in the legal framework, no experience yet	Recent revisions in the legal framework, some problems in implementation
EIA	Obligatory, includes SIA & participation	Obligatory, includes participation, SIA not well developed	Obligatory, includes participation, separate SIA required (basis for IBA)	Obligatory, includes participation, implementation problems, no SIA
CSR	Active development of CSR after problems, government and international companies active, what is Nordic concept for CSR?	Slow development in local CSR, big national companies have own practices, international companies active, what is Nordic concept for CSR?	CSR under development, historical examples from other businesses, international standards play a role	CSR under development, Soviet traditions influence current CSR practices

In addition, pro-mining policy has been linked with Greenland's push for greater independence from Denmark. The Russian strategy considers mining as a source for economic development and support for the national economy. Social aspects of mining are discussed in terms of socio-economic regional

development, but not as local community issues. Russia has also emphasized the need to increase technological as well as research and development within the industry.

There has been active public discussion on the social acceptability of mining, but the themes have been slightly different in each country. In Finland, the social acceptability of mining was somewhat assumed until 2011 when water issues were raised to the public domain due to the environmental accidents at the Talvivaara mine. Economic growth and employment also play a role in Finnish mining policy but, similarly to Sweden, it is from the perspective of regional development rather than purely national economic growth. In Greenland, the main issues concerning the public acceptance have been employment and economic benefits as well as the need for a more transparent and inclusive decision-making processes. Compared with the other case countries, Russia stands apart with the social acceptance of mining not being a particularly political issue.

Considering the responsibilities and roles of different actors in promoting sustainable Arctic mining, the Finnish policy acknowledges the role of both the private and public sector. Correspondingly, the Swedish policy sees that sustainable development is to be business-driven. Greenland places more emphasis on the role of industry in comparison with Finland and Sweden, by having stricter regulatory tools for ensuring direct benefits of mining to the society. In Russia, business actors are likely to take on enhanced responsibilities in promoting sustainable development on the regional level. During the past decade, the Russian government has emphasized the need for closer cooperation between industry and local authorities in implementing various social projects, shifting part of the responsibility for regional socio-economic development from the state to private actors.

Compared to Finland and Sweden, Russia is more unstable from a regulatory perspective, especially in the development and implementation of environmental policies. Greenland is still in the process of developing its policy framework and therefore the functioning of the process cannot yet be compared to the other countries. But in all countries, the EIA is an obligatory process for acquiring a permit for mining. Also alike, public participation is a key aspect of the procedures concerning EIA. SIA is most actively developed in Finland and Greenland.

CSR in the mining sector is under development in all four focus countries and even more notably in their Arctic regions. The historical contexts in each country also make differences in how CSR is being developed and implemented in each jurisdiction. It appears that the role of the state or government influences the practices and expectations of CSR. The Nordic welfare states seem to have a different perspective than Russia and Greenland on CSR. In Finland, the mining industry and the Government have placed emphasis on the development of responsibility strategies after the incidents at the Talvivaara mine. The increased presence of international companies has also contributed to the development. In Sweden, the industry has been slow to address issues related to social acceptance and local communication. There has not been nation-wide critical debate on mining as in Finland. Often, companies with a long history in Sweden have gained the social acceptance over time and are only starting to face pressures for new types of responsibilities in terms of communication and social aspects. However, Finland and Sweden share the trend of international companies bringing new practices, and in both countries, there is a need to modify CSR to fit the Nordic welfare state model.

Greenland does have a tradition of CSR but once mining establishes itself, the future practices of social responsibility will manifest themselves over time. Nonetheless, the legal requirement for conducting a SIA and the model of IBA have already been established, suggesting that government policy perceives the consideration of the local communities to be an important issue. The mining industry in Greenland is expected to take on different responsibilities than in Finland or Sweden, including education and training activities. This reflects the vastly divergent social priorities of our focus countries, but the trend remains that with international companies, global standards will likely impact each country's CSR policies.

In Russia, the practices of CSR are slightly different from the other case countries. The traditions of CSR in Soviet times are still evident. Many big companies have chosen a philanthropic method of CSR implementation by donating money for regional welfare and development projects. However, international practices and interpretations are also emerging. This has been partly due to the actions taken at the governmental level as well as by the companies' move towards new type of responsibility motivated by their desire to gain trust among international investors.

In these four Arctic countries, the national mining policies for Arctic areas emphasize economic growth but try to develop sustainability at the same time more actively than before. The rising importance of a social acceptance of mining has been reflected in the recent changes in national governance. Often pushed by criticism from the civil society and international pressures, the national governments are forced to acknowledge that the traditional benefits of mining development for a nation state, such as employment and economic growth, are not enough. The sustainability targets are taken more seriously today as concerns mount in preserving environmentally and socially sensitive Arctic areas. National mineral strategies and the development of policy tools are being updated to reflect these changes in each country but at varying extents. While in Finland, the questions of public acceptability of mining are high on the political agenda, in Sweden and Russia the questions have not been so politicized, as of yet. In Greenland, mining development is closely linked to aspirations for economic and administrative independence, and the detailed demands and expectations from civil society have made mining a very political issue.

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Notes

1. In international debate, the term Social License to Operate (SLO) is increasingly used to refer to social acceptability of mining. In this article, we use only the concept of social acceptance.

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At the Margins:

Political Change and Indigenous Self-Determination in Post-Soviet Chukotka

Gary N. Wilson & Jeffrey J. Kormos

Since the collapse of the Soviet Union in 1991, the Russian North has undergone a profound process of political, economic and social change. Nowhere is this change more evident than in the Chukotskii Autonomous Okrug (Chukotka), one of the most remote regions in the Russian Federation. During the Soviet period, Chukotka was the recipient of considerable state support which, in turn, led to the economic development of the region and an influx of settlers from other parts of the Soviet Union. These developments, however, quickly overwhelmed the indigenous peoples of Chukotka, who became marginalized economically, politically and demographically.

The post-Soviet period has brought new and unprecedented changes to Chukotka and its inhabitants. In the 1990s, the decline in state support triggered an economic collapse and an out-migration of non-indigenous settlers. Although the economic situation stabilized in the 2000s under the governorship of Roman Abramovich, a powerful oligarch with links to the upper echelons of Russian state authority, the region still struggles to cope with the challenges facing northern regions in Russia and throughout the circumpolar world: remoteness, harsh environments, underdevelopment, size and a dependency on government support. The fate of Chukotka's indigenous peoples in this changing context has been mixed. Developments during the earlier stages of the transition rebalanced the demographic profile of the region, increasing the proportion of indigenous inhabitants in relation to the settler population, and provided some avenues for greater political autonomy, cultural regeneration and international collaboration. However, more recent changes, both at the federal and regional levels, have curtailed the activities of indigenous organizations, bringing them under the increasing control of the state.

Introduction

The governance of northern regions and communities is complicated by a number of factors, including remoteness, harsh environments, underdevelopment, size and a dependency on other levels of government for basic services and economic support. The challenges facing northern regions and communities in contemporary Russia have been exacerbated by the transition away from the Soviet communist system. Despite the authoritarian and controlling nature of this system, it did provide substantial support in the form of infrastructure and economic subsidies. By contrast, the instability

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of the post-Soviet transition has caused a number of hardships and problems for people living in the north.

One of the most remote regions in the Russian Federation is the Chukotskii Autonomous *Okrug* (Chukotka). Located in the far eastern part of the country, across the narrow Bering Strait from Alaska, Chukotka is nine time zones and over 6000 kilometers away from the Russian capital, Moscow. Throughout most of the Soviet period, the region was supported by the central government. This support prompted an influx of migrants from other parts of the Soviet Union in search of good wages, housing and other state benefits. Following the break-up of the Soviet Union in 1991, however, central largesse evaporated and Chukotka, like many other northern regions in the newly constituted Russian Federation, underwent a dramatic demographic and economic collapse. Although this collapse was stemmed by the intervention of Roman Abramovich, one of Russia's most powerful oligarchs and governor of Chukotka from 2000-2008, the region and its inhabitants are still struggling to overcome the challenges of governance and development in a northern and remote setting.

This chapter will examine the political and economic development of Chukotka with a particular focus on the fate of the region's indigenous peoples during the post-Soviet period. Controlled politically and economically by the communist state and overwhelmed demographically by the influx of migrants during the Soviet period, Chukotka's indigenous peoples have experienced both positive and negative changes as a result of the post-Soviet transition. While the wholesale collapse of state support in the 1990s caused severe economic hardships, the out-migration of non-indigenous settlers has rebalanced the demographic composition of the region, a change that could signal a resurgence of the region's indigenous identity, both culturally and politically. Despite the legacies of authoritarianism, the political transition away from the communist system encouraged the region's indigenous peoples to become active in a number of domestic and international organizations and initiatives. More recently, however, the return of centralization and state control, especially under Russian President Vladimir Putin, has limited the activities of indigenous organizations across Russia, thereby curtailing the political aspirations of indigenous peoples in Chukotka.

The chapter draws mainly on English-language research and secondary sources on the region. It uses some Russian language sources, mainly from the local media, but it does not include interviews with regional or local officials because of the political and logistical challenges associated with conducting fieldwork in such a remote and politically sensitive region. Part one situates Chukotka within the broader context of the Russian federal system and reviews its political transition in the post-Soviet period. Part two discusses the demographic and economic challenges that the region has faced since the collapse of the Soviet Union in 1991. Part three explores the impacts of development on Chukotka's indigenous peoples during the Soviet period. Part four examines the efforts by indigenous peoples in Chukotka, to self-determine and outlines some of the key political challenges that they face at the start of the 21st century.

The political evolution of Chukotka in the post-Soviet period

Observers of Russian federalism and regional politics have noted a series of important trends in the relationship between the federal and regional governments since the collapse of the Soviet Union in

1991. Under Russia's first post-Soviet President, Boris Yeltsin, the political system underwent a process of decentralization. In some respects, decentralization was planned and managed; it was part of a broader strategy to preserve the territorial integrity of the Russian Federation during the initial transition period towards liberal democracy. The bilateral treaties negotiated between the federal and regional governments in the mid to late 1990s were evidence of efforts to hold Russia together in the face of political disintegration and prevent the country from following the same fate as its Soviet predecessor. In other respects, however, decentralization was unplanned; it was a reflection of the collapse of the centralized Soviet state, the weakness of the federal government and the rise of powerful regions. Indeed, many regional leaders took Yeltsin at his word when he said "take all the autonomy you can swallow" and the result was an epic intergovernmental struggle over political authority and economic resources (Remington 2012).

Since Vladimir Putin came to power in 2000, the power relationship between the federal and regional governments has shifted dramatically. During the first decade of the new century, Putin introduced a series of reforms that were designed to strengthen the position of the federal government *vis-à-vis* the regions. These reforms, coupled with other developments such as the emergence of the national political party United Russia and the taming of the oligarchs, recentralized the Russian Federation by (re)creating the *vertikal*, the centralized hierarchy of political authority under the firm control of the executive branch of government (Remington 2012).

It is within this shifting context that Chukotka has undergone significant political, economic and demographic change. In 1991, the region declared autonomy from Magadan *Oblast*, a region to which it had been administratively subordinated since 1977. This move was consistent with the autonomy declarations of many other regions in the Russian Federation. That being said, Chukotka was the only autonomous *okrug* to formally separate from its "host" region.[1]

Politically, the 1990s were dominated by the iron rule of Aleksandr Nazarov, Chukotka's first post-Soviet governor. Although the Nazarov administration faced an extremely difficult and, arguably, unprecedented economic and demographic collapse, as outlined in more detail below, it has been noted by one observer that political criticism of the government or its activities was not tolerated during his term in office (Diatchkova 2010).[2] Despite the demise of Soviet communism, democracy had not yet taken root. Indeed, such authoritarian tendencies were common throughout Russia as regions and regional leaders attempted to fill the vacuum left by the collapse of the centralized Soviet state.

Nazarov was followed as governor in 2000 by Roman Abramovich, a powerful oligarch with close connections to both Boris Yeltsin and Vladimir Putin. Abramovich served two terms as governor, during which time he transformed the economy and infrastructure of the region. It was rumoured that he invested $2.5 billion of his own money in the region and, as a result, was very popular (Jensen 2013). After 2008, Abramovich continued to play a political role in Chukotka as the speaker of the regional legislature. The current governor of Chukotka is Roman Kopin, a former advisor to both Nazarov and Abramovich, who had served as municipal leader in the region before being appointed governor in July of 2008. Kopin was reelected as governor in September 2013 with almost 80% of the vote (Noskov 2013).

Economic and demographic change in the post-Soviet period

In the decade following the collapse of communism, Chukotka, like the rest of the former Soviet Union, underwent a series of profound economic, social and political transitions. Such changes were felt across Russia, as the country struggled to create a new political system. The effects of the transition in Chukotka (and in many other northern regions), however, were accentuated by the particular circumstances facing the region, namely its remoteness from other parts of Russia, its lack of development and the high degree of dependency that it had on the central government during the Soviet period.

Until the 1990s, Chukotka had been heavily supported by the central state. According to one source:

> A high regional wage coefficient and the northern wage increment made the wage level considerably higher in Chukotka [than] those in the country in general and in the Magadan Oblast' in particular. It attracted [a] qualified workforce to the region and the population was increasing due to the influx (Chukotka 2014).

As a result, over the course of the post-war period, the population of the region grew exponentially from 20,787 in 1939 to 164,783 in 1989, largely through in-migration from other parts of the Soviet Union. This massive influx of outsiders made indigenous peoples a minority in their homelands. In 1939, indigenous peoples comprised 75.4%of the total population of Chukotka. By 1989, the region's indigenous population had shrunk to only 30.8% (Abryutina 2007a).[3]

The break-up of the Soviet Union brought about another demographic shift that was unparalleled, except in times of war and extreme civil strife. Within a decade of the Soviet collapse, the population of Chukotka had shrunk to 53,824, a decline of over 100,000 people (Heleniak 2001). While the sheer numbers and percentages alone are dramatic, what are even more significant are the imbalances such shifts create in the demographic profile of the remaining population. For example, the people who left the region tended to be younger, educated professionals who were more mobile (Hill & Gaddy 2003). This only exacerbated the political and economic challenges facing remote and northern regions such as Chukotka.

The outmigration also had a distinctly ethnic dimension in that the majority of residents who left Chukotka were Russians and Ukrainians, many of whom came to the region in Soviet times in search of career advancement, higher wages and housing (Thompson 2008). As noted above, over the course of the post-war period, the settler population gradually overwhelmed the indigenous populations of the region. As Thompson (2008: 113) noted in his study of settler-state relations in Chukotka:

> The collapse of the Soviet Union stripped the settler of practically all those features of privilege that previously defined this population, and it did so with remarkable speed and thoroughness. Northern *osvoenie* [mastery] had been one of the Soviet regime's most cherished projects, but the suddenness of its end showed, finally, how little rationale it possessed beyond Moscow's fiat. Settlers once lived within a zone of remarkable abundance and earned far more than workers on the *materik* [mainland]. Now Chukotka suffered acute shortages of everyday goods and food, and by the mid-1990s, prices rose to the highest level in Russia.

As a result of the outmigration of non-indigenous inhabitants, the demographic balance between indigenous peoples and settlers has been partially restored to levels that have not been seen since the 1950s.

The post-Soviet demographic transformation was accompanied (and accentuated) by a socio-economic crisis in the region, as subsidized industries shut down because they were unprofitable in a market context. Basic services in areas such as healthcare and education were starved of resources and traditional activities, in particular reindeer herding and fur trading, went into decline (Chukotka 2014; Abryutina 2007a). Despite investments in infrastructure and services during the Abramovich era, such problems persist today. In a recent meeting between representatives of the regional government and senators representing Chukotka in the Federation Council, the upper chamber of the Russian parliament, Senator Aramays Dallakyan noted "the lack of funding for the implementation of the Strategy of socio-economic development of the Chukotskii Autonomous Okrug" (Chukotskii Avtonomnyi *Okrug* 2015). In a separate interview, the Head of the *Okrug's* Department of Social Policy, Anastasia Zhukova, commented on the importance of continued investment in infrastructure such as roads airports and seaports as a key component of the overall strategy to develop the region (Masalova 2015).

One area of particular concern is marine hunting, an integral part of the fishing industry in the region and an important part of the economic development of indigenous communities. According to the Deputy Head of the *okrug's* Department of Agricultural Policy and Environmental Management, Evgenyi Marochkin, it was unfortunate that marine hunting was not included in the list of activities targeted by the federal program on the development of the agricultural economy, the regulation of agricultural products, raw materials and food for 2013-2020 (Noskov i Omruv'e 2015). In response, the Head of the Regional Duma, Valentina Rudchenko, said that "[the region] must continue to work with federal agencies, for federal support is very important for us, as the district budget is clearly not enough for the implementation of government programs" (Noskov i Omruv'e 2015). These comments from regional officials demonstrate the hierarchical nature of politics in contemporary Russia. At the same time, they also reveal the underlying frustrations and dependencies that characterize Chukotka's relationship with the federal government.

Impacts of development on Chukotka's indigenous peoples during the Soviet period

Chukotka's diverse indigenous population consists of the Chukchi, Yupik, Even, Kerek, Koryak, Yukagir, and Chuvan peoples (Diatchkova 2002, 2010; Leonova 2011). Before the Soviet era, Chukotka's indigenous peoples maintained their independence from the Russian empire and traded freely with Russians, Americans and each other. In fact:

> the Chukchi tribesmen were the only native Siberian tribe violent and warlike enough ever to fight the Russian invaders to a negotiated peace, concluded in 1778. Even after the Russian withdrawal from the *ostrog* of Anadyrsk[4] under the terms of the treaty, the Chukchi remained notorious raiders of Russian settlements and caravans (Matthews 2013. See also Znamenski 1999).

The Russian Revolution, however, ushered in the era of Soviet rule, initiating the subjugation of Chukotka's indigenous peoples and forever changing their relationship with the state.

The economic activity of Chukotka's indigenous peoples in the early Soviet era was intrinsically linked with the landscape. Coastal peoples such as the Yupik were sea mammal hunters, while tundra and inland dwellers such as the Yukaghir and Koryaks were reindeer herders. The Chukchi, the largest indigenous group in Chukotka, were comprised of both herders and hunters, depending on whether they resided on the tundra or the coast. Both occupations required a great deal of travel, and the indigenous peoples were either nomadic or semi-nomadic peoples (Diatchkova, 2010). Soviet authority was slow to penetrate Chukotka's indigenous peoples, likely because the great distance between Moscow and the region coupled with their nomadic lifestyles, but also because they had resisted political control during the Tsarist period. Indeed, the first step to managing Chukotka's indigenous peoples was sedentarization.

According to Pika (1999), there were three stages of state policy towards northern native peoples in the Soviet Union. Between 1929 and the early 1930s, the state offered "assistance oriented towards education, self-government, and the formation of cooperatives" (Pika 1999: 59). From the 1930s through the mid-1950s, the state's concern was the development and solidification of the "totalitarian administrative command system" and the exploitation of the indigenous labour pool to meet state planning objectives (Pika 1999: 59). Finally, the mid-1950s through the early 1980s ushered in the era of "state bureaucratic paternalism" which was characterized by the formation of "minor privileges, perks and ineffective aid" (Pika 1999: 59). In the formative years of the Soviet Union, the "frontline strategy for civilizing the North" was the *kultbaza* (culture base), a Soviet school for indigenous children (Gray 2005: 104). The first such school in Chukotka opened in Uelen in 1923. The *komsomol* (communist youth league) was instituted to lead the "cultural revolution," and in Chukotka particularly, to bring "literacy to the tundra" (Gray 2005: 101). A policy of *korenizatsia* (indigenization) was instituted to grant self-determination to Soviet indigenous peoples. Indigenous peoples were recruited to key roles within state enterprises to create an indigenous elite, competent in Marxist-Leninist principles and loyal to the communist regime (Gray 2005). However, as Kertulla (2000: 10) argues, rather than "homogenize the Union," *korenizatsia* instead "institutionalized ethnic identity." Over the course of the post-war period, participation in state organs by indigenous peoples significantly decreased. For example, in 1945, 72% of Chukotka's *komsomol* members were indigenous, but by 1980 membership had dropped to 14.2% (Gray 2005). This decline may also have been a reflection of the significant decrease in the number of indigenous peoples as an overall proportion of the population in Chukotka, due to in-migration from other parts of the Soviet Union.

By the 1930s, collectivization of reindeer herds had begun in Chukotka, although it would be the 1950s before the Soviet authorities completed the sedentarization of Chukchi herders (Thompson 2008). The Soviet policy of *ukreplenie* (consolidation) closed villages and relocated residents to permanent settlements for reasons of administrative efficiency in the provision of services (Gray 2001) and for strategic military purposes (Abryutina 2007b). The results were two-fold: post-relocation villages consisted of mixed Russian and indigenous populations (Krupnik & Chlenov 2007); and, control over the economic drivers of indigenous society was relinquished to outsiders (Pelaudeix 2012). Chukotka's

indigenous peoples became state employees, losing authority over their herds to Russian specialists (Thompson 2008). Throughout the 1940s and 1950s the policy of *ukreplenie* was employed to consolidate residents into larger communities (Krupnik & Chlenov 2007).

Thompson (2002) describes the early post-war period as the era of "Soviet mastery" – the extraction of resource wealth and the enlightenment of indigenous peoples. The key feature of Soviet mastery was the establishment of large, permanent settler populations (Thompson 2002). This period featured the large-scale and rapid development of the industrial complex of the Russian Far North (Gray 2005; Silanpää 2008). A massive in-migration of new skilled workers occurred and these workers were tasked with organizing mining operations, consolidating state farms, preparing cadres, and searching for new ways to organize reindeer herding (Gray 2005). Substantial development and industrialization shifted the demographic profile of Chukotka from a largely rural to a largely urban population and, as in other indigenous regions in northern and eastern Russia, indigenous peoples became outnumbered by settlers (Gray 2005; Schindler 1996).

During the 1960s, infrastructure was built to support mining and nuclear energy development (Silanpää 2008). Indigenous peoples' employment in *sovkhozy* (state farms) was largely directed at supplying goods to the industrial development of the Soviet Union. They were underrepresented in the new industrial workforce, while traditional activities such as trapping, hunting and fishing were unprofitable and unsuccessful, as there was no infrastructure to support traditional economic activity (Silanpää 2008). Chukotka's economy was constructed to secure the supply of minerals and strategic resources for the development of the national economy (Krupnik & Vakhtin 2002); however, damaging and unsustainable practices in resource extraction resulted in multiple centers of industrial pollution and environmental degradation (Diatchkova 2010).

The collapse of the Soviet Union brought about another set of changes to the lives of Chukotka's indigenous peoples. Between 1985 and 2000, the already low employment rate of indigenous peoples dropped from 59% to 21.5%, and purchasing power to buy food decreased by 12.3% (Borodin et al. 2002). Soviet era social programs and subsidies ended, a reality that was felt particularly in remote villages where there was nothing to replace the lost structures. People became politically and physically disenfranchised. Inflation depleted savings and made pensions worthless and, as noted above, massive depopulation and out-migration ensued. Medical supplies and facilities were depleted, and unemployment increased while access to goods decreased (Kertulla 2000).

In the 1990s, Chukotka was in an advanced state of humanitarian crisis initiated by the exodus of non-indigenous skilled labour, the failure of shipping deliveries and the liquidation of state enterprises. As a result, starvation, suicide, and alcoholism became prevalent amongst the indigenous population (Thompson 2008). There was also a shift in the local administrative demographic. As settlers left Chukotka, they were replaced by villagers to fill positions in the administration of local government (Krupnik & Vakhtin 2002). Indigenous peoples were even more disadvantaged in terms of transitioning to the market economy. Traditional economic activity shifted from supporting industrial development to isolated economic activity, resulting in ethnic stratification and unequal access to goods and services (Schindler 1992). Perhaps the one positive outcome for indigenous peoples was

that the increased reliance on traditional subsistence activities, necessary for survival, led to increased cultural awareness (Kertulla 2000).

Indigenous self-determination in Chukotka

Against the backdrop of this socio-economic crisis, there were also some significant political and legislative changes that impacted indigenous peoples in Chukotka. In the late 1980s and early 1990s, new local and regional associations began to appear in Chukotka. In 1990, federal legislation entitled *Unhindered Ethnic Development of Citizens of the USSR who live Outside their Ethnic Areas or Have no Such Areas Within the Territory of the USSR* allowed for the creation of political associations based on nationality (Kryazhkov, 2013). The 'Yupik Eskimo Society of Chukotka' (YESC) and the 'Association of Indigenous Peoples of Chukotka'[5] formed to promote indigenous rights and self-determination for Chukotka's indigenous peoples. These new local indigenous institutions were supported by the Russian Association of Indigenous Peoples of the North, Siberia, and the Far East (RAIPON), a larger national association with members from 35 regional organizations and 41 indigenous groups (Gray, 2007). RAIPON's goals include greater self-determination for indigenous peoples through self-government, human rights protection, and the legal protection of indigenous social, economic and environmental interests (Arctic Council 2011).

The above mentioned collapse of central authority throughout the country reinforced the *de facto* autonomy of the regional government throughout much of the 1990s. In Chukotka, the Nazarov administration began to secure the region from outside influence. Indigenous organizations seeking political legitimacy were harassed and often co-opted by the regional authorities (Thompson 2008). Newly enacted federal legislation, such as the law *On Guarantees of the Rights of Small-Numbered Indigenous Peoples* was at odds with regional legislation, and enforcement by the federal authorities was problematic (Pelaudeix 2012), a reflection of the weakness of the federal government. While the indigenous rights movement in Chukotka gained some momentum in the late Soviet and early post-Soviet periods, the regional bureaucracy opposed and interfered with local attempts at indigenous self-determination (Krupnik & Vakhtin 2002). Indigenous peoples' organizations sought the status of 'political organizations' in order to be taken seriously by regional authorities (Diatchkova 2010).

By the end of the 1990s, the Nazarov administration had successfully marginalized Chukotka's indigenous movement by framing Russia's new democratic principles of equality in opposition to 'indigenous' self-determination (Tennberg 2010). Funding for indigenous political organizations was limited, and dispersed at the discretion of the regional authorities. In 1999, the Arbitration Court of the Chukchi Autonomous *Okrug* ordered the offices of YESC to be closed and its assets liquidated (Ainana, Zelensky & Bychkov 2001).

The rights of indigenous peoples are guaranteed by the Russian Federation's Constitution (1993). Article 69: "guarantees the rights of indigenous peoples in compliance with the universally recognized principles and norms of international law and treaties concluded with the Russian Federation." Article 69 is legally implemented with the formal adoption of three federal statutes: *On Guarantees of the Rights of Small-Numbered Indigenous Peoples* (1999), *On the General Principles for the Organization of Obshchiny* (2001) and *On the Territories of Traditional Nature Use* [TTNUs] (2001). At the *okrug* level, the Charter of the

Chukotka Autonomous Region (1997) protects indigenous peoples' rights in Articles 1, 3, 19, 43 and 63 (Kriazhkov, 2006). Indeed, on paper, indigenous rights in Russia have robust protection by law. In practice however, terms are defined broadly and often regional and federal statutes are misaligned, resulting in conflicting interpretations and application of the law.[6]

As outlined in more detail in the next section, the leadership of Chukotka's indigenous political organizations, made up of members of the former Soviet indigenous intelligentsia, sought outside help from the transnational indigenous rights movement, which was particularly evident throughout the circumpolar north (Gray 2007). Through collaboration with the Inuit Circumpolar Council and Alaskan municipal associations, humanitarian aid, funding, equipment, and various projects were established throughout the Russian Far East to help indigenous peoples survive the transition. However, the new millennium would bring a new centralizing force to the Russian presidency, eventually curtailing international aid and reframing the debate regarding indigenous self-determination as conflicting with nationalist principles of equality.

Despite the initially negative effects of the transition, the changes that have taken place over the last two decades could provide the basis for a reawakening of indigenous identity and control in Chukotka. At the same time, such a reawakening must be viewed within the broader context that shapes indigenous-state relations in Russia at the start of the 21st century. The following section will outline a number of developments that have either facilitated or hindered the political status of indigenous peoples in Chukotka since 2000.

The return of the Obshchina

In the immediate aftermath of the Soviet collapse, the issue of indigenous land rights in Russia garnered interest among both western and Russian scholars (Fondahl & Poelzer 2003; Fondahl, Lazebnik, Poelzer & Robbek 2001). In her work on land and indigenous rights in Chukotka in the late 1990s and 2000s, Patty Gray noted movement towards the return of the *obshchina*, "or 'ancestral community,' a special category of land tenure defined in Russian law" (Gray 2001: 1). Although *obshchiny* existed in other parts of the Russian Federation (Stammler 2005; Fondahl 1998), in Chukotka they were fewer in number because the "regional authorities [under Nazarov] were more reluctant to give up centralized control of local production and administration" (Gray 2001: 1). The rebirth of *obshchiny*, however, was critical to the rejuvenation of traditional land tenure practices and activities. In many respects, these territorial formations represent a form of indigenous self-governance. In 2001, a new federal law on traditional resource management and the end of the Nazarov's term in office brought new hope that the number of *obshchiny* would grow. In practice, however, requests to establish TTNUs of federal significance have been rejected (Kryazhkov 2013). Furthermore, a December 2013 amendment to the Federal Act *On Specially Protected Conservation Areas* removed TTNUs from its purview, exposing them to the possibility of unmitigated industrial development and expansion (International Work Group for Indigenous Affairs 2014b).

The Abramovich era and beyond

In the early 2000s, Chukotka's second post-Soviet governor, Roman Abramovich, brought with him from Moscow a young and well-educated cadre of professionals to fill administrative positions in the

regional government (Thompson 2008). He also made significant investments in infrastructure in the region. While ethnic stratification and state paternalism remained in regional decision-making bodies, an 'Indigenous Representatives Council' was established to resolve indigenous issues and reserve seats in the Regional Duma (parliament) for Chukotka's indigenous peoples (Diatchkova 2010). Despite these developments, however, there is still no clear indication that indigenous peoples have any meaningful representation in regional or federal government institutions. Survey research conducted through the international Survey of Living Conditions in the Arctic (SLiCA) project found that indigenous respondents "[considered] the governorship of Roman Abramovich especially warmly" (Abryutina 2007a). At the same time, at the end of Abramovich's time in office, Diatchkova (2010: 226) noted:

> The participants of the 2009 Congress of Chukotka's indigenous peoples also discussed the absence of any critical information on regional politics or indigenous issues in the media. This is the main reason for the lack of knowledge in respect of indigenous rights among current indigenous representatives.

Under current governor Roman Kopin, there have been some attempts to address the development of indigenous peoples in the region. As noted above, often this involves struggles with the federal government for resources to fund programs to support traditional livelihoods such as marine mammal hunting. In a recent interview, the Head of the Department of Social Policy, Anastasia Zhukova commented that "the government will continue to solve the problems of the indigenous population of the district" (Masalova 2015). Although the government's intentions are clearly worded, this top-down, paternalistic approach to development simply reinforces the power of the state over indigenous peoples in the region, rather than allowing them to have greater control over their lives and their land.

Legislation on non-governmental organizations (NGOs)

Although the Putin era has brought political and economic stability to Russia, it has also been characterized by increasing political repression, especially of political opponents and organizations that function outside the state. During the late Soviet and immediate post-Soviet period, non-governmental organizations (NGOs) were an important means to develop Russian civil society, and could rely on external financial support from foreign organizations (Daucé 2010). By the mid-2000s, however, civil society had been largely coopted by the state through the creation of bodies such as the Public Chamber and the increasing repression of NGOs. In 2006, the federal government passed legislation *On Introducing Amendments into Certain Legislative Acts of the Russian Federation*, commonly referred to as the "NGO Law" (Crotty & Hall 2013). Among other things, this law required groups to register with the state and divulge personal information regarding their members and founders. It allowed state officials unrestricted access to group meetings including private policy and campaigning activities, and required reporting of foreign financial support, including how funds were being obtained and spent, effectively restricting funding to domestic sources (Crotty & Hall 2013). In July of 2012, additional legislation required NGOs with political activities and foreign funding to register as 'foreign agents' and submit a report of their financial activities every quarter (Crotty, Hall & Ljubownikow 2014). As a result, the state actively discriminates against internationally integrated NGOs and western-funded human rights organizations (Frohlich 2012). In fact, recently enacted

legislation states that members of an NGO labeled 'undesirable' may be subject to fines and jail time (Tétrault-Farber 2015).

These changes have impacted the ability of indigenous organizations such as RAIPON and affiliated organizations in Chukotka such as YESC to operate and to engage with indigenous organizations outside Russia. In 2012 the Russian Ministry of Justice found "irregularities in [RAIPON's] organizational statutes" and forced RAIPON to cease operations (Staaleser 2013). Both organizations were accused of failing to abide by the aforementioned legislation requiring NGOs to register with the state and secure themselves as 'legal entities' while obtaining funding from outside of Russia. As well, the suspensions of both organizations lasted about a year before the state determined the appropriate paperwork was submitted and they could return to their business. In 2014, an indigenous hunter's association in Chukotka was asked to voluntarily register as a foreign agent because the association was using joint American and Russian funding to study walruses. Although the organization was not involved in political activities, the leader was a candidate for a seat in local government, which clearly constituted a political activity to the authorities (International Work Group for Indigenous Affairs 2014a). The association refused, but the authorities made it clear that they would be harassed, and in the end will be forced to register as a foreign agent.

International collaboration

The geographical proximity of Chukotka to the United States (Alaska) and Canada, coupled with historical connections between the indigenous peoples of this part of the circumpolar north has facilitated international collaboration since the collapse of the Soviet Union. In particular, the representatives from YESC have become actively involved in the Inuit Circumpolar Council (ICC), a transnational organization representing Inuit peoples in four different countries. During the socio-economic crisis in the early to mid-1990s, the ICC worked with the Canadian government and other organizations to deliver humanitarian aid to the indigenous peoples of Chukotka and the Russian north (Wilson 2007). Additionally, a number of bilateral projects dedicated to wildlife management, cultural preservation and environmental protection were initiated between Alaska and Chukotka including the Chukotka Walrus Harvest Monitoring Project and the joint US/Russia Polar Bear Commission (Diatchkova 2010). Such examples of collaboration between the indigenous peoples of Russia and other regions in the circumpolar north are important because they open the region and its inhabitants up to the outside world after decades of isolation during the Soviet period, thereby allowing for the sharing of best practices and new ideas. The Inuit peoples of Alaska, Canada and Greenland, for example, have made great strides over the last several decades in their quest for political and economic autonomy. Their progress provides a benchmark for other indigenous peoples, not only in Russia, but also in other parts of the world.

Of course, there are many barriers to continued international collaboration on the part of Russian indigenous peoples. In addition to the controls that the state places on non-governmental organizations, indigenous groups that do engage actively in international collaboration are often very small in numbers and have limited human and financial resources to draw on. Tatiana Achirgina, the President of the Inuit Circumpolar Council, Chukotka, has commented that her organization simply

lacks competent and persistent leaders who are able to attend international forums and work hard and consistently to preserve Yupik culture and traditions (Leonova 2015).

Conclusions

As in other regions and countries around the world, indigenous peoples in Chukotka have suffered greatly at the hands of the state. After centuries of relative isolation within the Russian Empire, Soviet communism brought about a wholesale change in the political and economic circumstances facing indigenous peoples in Chukotka. Soviet development also brought an influx of settlers from other parts of the Soviet Union which demographically overwhelmed and marginalized the indigenous populations of the region. The demise of the Soviet Union brought new and unprecedented challenges; namely in the form of socio-economic collapse and a massive outmigration of people from the region. While indigenous peoples now form a very strong plurality in Chukotka, they still struggle to realize and assert their traditional indigenous rights.

As the indigenous peoples of Chukotka look to the future, there is some hope that they will be able to achieve some measure of self-governance and control. The stabilization of the region (at least relative to the chaos of the 1990s), coupled with other developments such as the prospects for developing *obshchiny* and connecting with indigenous peoples in other parts of the circumpolar north who have been successful in building self-governing indigenous regions, are signs that the future may hold some promise. As noted earlier, the indigenous peoples of this region have a long history of resistance and independence and, as leaders such Aleksandr Omrypkir and Tatiana Achirgina have argued, it is critically important that they preserve their traditions and remain united in the face of political and economic change. At the same time, it is important to note the very different and difficult political context in which indigenous peoples in Russia operate. Whereas indigenous peoples in Alaska and Canada have been able to work with other levels of government to achieve self-government, the federal and regional governments in Russia are still suspicious of and even hostile to any attempts to bolster indigenous autonomy. As a result, indigenous peoples in Chukotka still find themselves at the margins of Russian society, politically, economically and geographically.

Notes

1. Chukotka was the only one of 10 autonomous *okrugs* to become independent from their host regions. Since 1991, several autonomous *okrugs* have been politically and territorially amalgamated into their host regions (Wilson 2003). For a more in-depth discussion of Russia's autonomous *okrugs* and their status within the federal system (see Wilson 2001 and 2003).
2. Popular discontent with the Nazarov administration and the extremely poor living conditions in the region was also reflected in a collective letter that was sent by the residents of Provideniya in eastern Chukotka to the President of the Russian Federation in 1999 (Bogoslovskaya 2000).

3. Similar demographic transitions were also experienced in other northern regions such as Khanty Mansiysk in western Siberia (see Wilson 2001).
4. An *ostrog* is a stockade town that served as a colonial outpost in Siberia, the Russian Far East and Russian America during the Tsarist period.
5. The Association of Indigenous Peoples of Chukotka just celebrated its 25th anniversary in 2015 (see Kopylova 2015).
6. Authority over lands protected for the traditional use of indigenous peoples is shared between the federal and regional governments. Often federal and regional statutes disagree or are in conflict. While the laws *On Obshinas* and *On TTUNs* were created to give indigenous peoples free and hereditary use and transfer of traditional lands, the Forest Code of the Russian Federation excludes indigenous peoples from holding land tenure rights (Laletin 2012).

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Section III

Scholarly Papers

Arctic regional governance

Towards Arctic Resource Governance of Marine Invasive Species

Melina Kourantidou, Brooks A. Kaiser, & Linda M. Fernandez

Scientific and policy-oriented publications highlighting the magnitude of uncertainty in the changing Arctic and the possibilities for effective regional governance are proliferating, yet it remains a challenging task to examine Arctic marine biodiversity. Limited scientific data are currently available. Through analysis of marine invasions in the Arctic, we work to identify and assess patterns in the knowledge gaps regarding invasive species in the Arctic that affect the ability to generate improved governance outcomes. These patterns are expected to depend on multiple aspects of scientific research into invasive species threats in the Arctic, including the ways in which known marine invasions are related to different stakeholder groups and existing disparate national and international experiences with invasive species. Stakeholder groups include dominant industries (fishing, shipping, tourism, resource exploration) and indigenous communities (regarded as resource users, citizen scientists, and recipients of goods shipped from other locations). Governance gaps are examined in the context of applied national policies (such as promoting or intercepting intentional introductions), international agreements (regarding introductions and mitigations) and existing prevention programs (regional, national and international). We intend to help focus domestic and international governance and research initiatives regarding introduced species on the most valuable, cost effective options, given the knowledge gaps derived from systematic research limitations and opportunities in the Arctic environment.

Introduction

Decades of rigorous scientific research on the Arctic marine environment have provided useful insights on its rapidly changing and dynamic nature. Marine invasions present a significant harbinger of ecosystem boundary shifts, and with the Arctic's increasingly weaker barriers a growing number of new species are expected to arrive soon on their own. The propensity to highly value anticipated benefits from increased human activities in the Arctic amplifies the risks of new species introductions. Additionally, the changing climate increases significantly the chances of new introductions eventually succeeding as invasions. While seasonal light conditions will not evolve with changing temperature and ice-cover, the photic zone is expected to experience complex shifts as ice and algal conditions

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evolve (David, Lange, Rabe, & Flores 2015; Tremblay & Gagnon 2009). Experience to date, including both intentional and accidental introductions that have established and spread in the Barents Sea, suggests that species which are not directly affected by seasonal darkness, such as benthic habitat dwellers, are perhaps most likely to be initially advantaged by the new ecological opportunities. Thus we focus this discussion with examples of existing and potential benthic crustacean species in order to clearly highlight the ecological and economic interactions that foster marine invasive species threats.

Existing research includes a significant degree of uncertainty that we argue incorporates systematic biases introduced by variations in the cost of accessing information in the research. As one important example, the harsh climatic conditions in the Arctic have so far allowed almost exclusively seasonal (summer) sampling and measurements, which emphasizes that our current knowledge of the Arctic marine environment is fraught with uncertainties that must be incorporated into decision-making. The resulting lack of a robust scientific baseline and incomplete knowledge of the Arctic marine world further complicate the scientific framework for data collection/sampling where emphasis has been put on certain high-visibility species (e.g charismatic megafauna or resources considered under pressure influencing commercial and subsistence fisheries) at the expense of others (e.g microfauna, diseases or parasites). These latter biases are not unique to the Arctic (Clark & May 2002; Duarte, Dennison, Orth & Carruthers 2008; Leather 2013; Tisdell & Nantha 2007) but further emphasize the biases derived from the allocation of limited resources available for research that may favor direct human resource use over more complex ecosystem relationships.

Awareness of these biases should motivate both scientists and policy makers to engage themselves in an effort to better characterize the essential parameters governing Arctic marine ecosystem productivity. Until the point however when it becomes possible for the scientific community to devise some way to answer the numerous pending questions and thus adequately justify the research protocols to be applied, it is recommended to develop an umbrella strategy in order to avoid putting the ecosystem into peril. Building a consistent, credible and solid basis able to defend and protect the ecosystem from undesired introductions and ripple effects counsels adherence to approaches that appropriately incorporate both risk, where probability distributions over potential expected events can be defined, and uncertainty, where likelihoods of future events, or even the existence of future events, remain unknowable. Some definitions of the "Precautionary Principle", such as the one provided by Gollier, Jullien & Treich (2000), where scientific uncertainty with regard to the distribution of the likelihood of realizing a future risk provides society with incentives for stronger prevention measures to shift this distribution and the expected damages, fit this bill. It is therefore advisable for research investments themselves to follow closely a set of premises within such a precautionary-protection-prevention context since it is expected to confer a number of advantages, regardless of any additional policy challenges.

Brief exposition of the challenges of marine invasive species in the Arctic

Overview of the problem

Biological invasions in marine habitats have been historically growing with trade and increased global transport for centuries, with the literature on an international level pointing out various different bio-

economic patterns (Costello, Springborn, McAusland & Solow 2007; Ruiz, Fofonoff, Carlton, Wonham & Hines 2000). Presently, such impacts are coming to the Arctic in concert with climatic changes. Northern ecosystems can, in general, be characterized as "native" sink host destinations for invaders since the continuous climatic warming shift ecosystems away from the equator and towards the poles, with Arctic waters presenting the northernmost marine ecosystem that northward-moving species can reach. Meanwhile, climate change, together with a series of other parameters, has contributed to significant transformation of the Arctic environment, so that distinction between a "New," more open and integrated Arctic system, and an "Old," ice-defended and more ecologically pristine Arctic, is being increasingly adopted.

The transition has the potential for significant negative environmental and ecological side effects, not least of which are introductions of invasive species with noticeable and potentially irreversible impacts. The Old Arctic's colder temperatures have generally fended off negative impacts on ecosystem services of such introductions, including reductions in productive ecological capacity due to pathogens, parasites, microbes or other disease carriers. The ecological and economic characteristics of the New Arctic, and its success in sustaining human and natural habitats, will depend on the ability to adapt basic tenets of precaution in multiple dimensions. These tenets include costly activities such as (potentially incomplete) inspections of traded goods and vessels or quarantines for pathogens in disease prevention. According to the Precautionary Principle as defined in the Rio Declaration in Principle 15 (UNEP 1992), in cases of threats for serious or irreversible damage, cost-effective measures for preventing environmental degradation shall not be postponed in view of lack of full scientific certainty, urging states to apply the precautionary approach "according to their capability." This expression has been widely criticized in the literature as rather weak, incomplete, and ambiguous from both an environmental and a legal perspective. The ITLOS Seabed Dispute Chamber released an advisory opinion according to which the Precautionary Principle in Rio's Declaration was not regarded as binding, but since it was already "incorporated into a growing number of international treaties and other instruments," a "trend towards making this approach part of customary international law" evolved (ITLOS 2011).

Interdependencies between countries in the dynamically changing Arctic environment hold a prominent position in determining the future of marine invasions and thus cannot be overlooked. They add significant complexity to the situation, attributable to the multiple confounders they bring along. Certain Arctic marine invasions clearly display the interplay of ecology and economic behavior. Invasive crustacean species, for example, have pitted potential economic gains against other predominantly negative though uncertain ecological impacts/changes. The Red King Crab (RKC) *Paralithodes camtschaticus* is probably the most well-known example of a deliberately introduced species leading to invasion. Originally introduced in the Barents Sea by Soviet Union scientists in the 1960s (Orlov & Ivanov 1978) with the intent to create a profitable new resource for fisheries, it was only identified years afterwards as a potential threat for benthic diversity and biomass and thus for habitats and nutrient cycling in the Arctic marine environment (Falk-Petersen, Renaud & Anisimova 2011). In a conceptual framework and always within the geopolitical context, one of the reasons why joint management of resources is considered of utmost significance when it comes to invasions is the fact that the exclusion and control of those invasive species can be considered as a "weakest-link" or

"weaker-link" public good. In view thereof it is in fact the least effective provider (Burnett 2006; Perrings et al. 2002) that actually determines whether the ecosystem's overall balance and well-being will not go out of kilter. In other words, the introduction, establishment and magnitude of spread of a new species hinges on those (countries) that exert the least effort to prevent and/or control purposeful or accidental invasions, noting decisions about prevention might differ decidedly between deliberately introduced and accidentally introduced invasive species. Effective control of biological invasions in the multi-state Arctic is a weakest-link public good and a driving force for coordinated proactive action.

Climate change has also aided species movements that take on characteristics of invasions. The North East Atlantic mackerel have been moving westward and northward with shifts in oceanic temperatures and related properties, and this has sparked disputes between Iceland and the Faroe Islands on the one hand and Norway and the EU on the other hand. While information on the stock of the mackerel and the ability to estimate the overall quota to maintain a healthy fishery is well understood and widely distributed through the International Council for the Exploration of the Sea (ICES 2013, 2014, 2015), the negotiations for joint quotas covering how the catch should be distributed have been very problematic so far. This is particularly true regarding the newly viable coastal fisheries developing around Iceland where there has been a tremendous increase in stocks in recent years (Ellefsen 2013; Ørebech 2013). The species distribution has changed significantly since the mid-2000s, having spread quite a lot into East Greenlandic and Faroese waters as well, while overall stock size has also increased (Dankel et al. 2015). Those changes in population dynamics have apparently hindered agreements between mackerel fishing countries on the Total Allowable Catch, but both the competitive role of mackerel within the food-web (preying on other species) and the overwhelming dependence on those fisheries urgently call for an effective and optimal management scheme (Ørebech 2013).

Human assisted invasive species introductions

Directly, the role of industrial development in increasing the probability of successful invasions must be addressed. The burden of costs and the sharing of benefits of such measures are not evenly distributed, and will depend on the policy choices made (including lack of policy or implementation). These policies, for example, might include assignment of liability to sources of invasive species, such as shipping, tourist or fishing vessels that transverse a variety of sensitive ecosystems with their gear, or resource extractors who develop infrastructure that creates substrate and creates increased traffic flows to new marine locations places, in order to affect the incentives on industry and development to prevent damages. As an example, New Zealand's 1993 Biosecurity Act, Section 154 includes liability for importers/exporters to address marine invasive species (Fernandez 2011). Alternatively, the absence of such liability places the burden on affected communities to deal with invasions in other ways – often ex post when they are significantly more costly (Olson 2006; Thomas & Randall 2000).

On a theoretical level, assigning liabilities for environmental damages, especially in cases where information is scarce and expensive, such as species introductions, should provide powerful incentives for investing in protection measures and preventive action. In reality there are practical challenges that include identification of the specific sources, and counter-incentives to hide behavior to avoid

detection (Bernstein 1993). There are high transactions costs to determine causality and loss with legal processing (Fernandez 2008). Tort liabilities can be very tough to allocate when multiple tortfeasors are involved, which is not uncommon in cases of marine invasions. Thus far, the only internationally ratified policy entered into force, with 71 sovereign states and 84% of the gross tonnage of merchant shipping included, is the Antifouling Convention of 2001 that bans antifouling substances containing organotins and biocides with tributyltin from use. Violation of the ban involves penalties for those liable. The organotin and tributyltin substances had been commonly used to ward off sessile marine invasive species on hulls of ships (commercial, recreational) as well as prevent extra weight and fuel use from the biofouling marine invasive species create (Fernandez 2008). That convention did not advocate alternative antifouling substances. Segerson (1990) suggests combining liability with an ex ante policy, such as paying in to an insurance fund that could cover prevention and/or remediation activities, since liability is ex post.

Another pathway for marine invasive species via maritime shipping, ballast water, has legally enforceable regulations developed by different states all over the world. However IMO's (International Maritime Organization) BWM Convention (International Convention for the Control and Management of Ships' Ballast Water and Sediments), cannot yet enter into force as an international treaty (Miller 2014). Thus the limited feasibility of liability rules among states for compensating after environmental damages occur, coupled with the predicaments existing in international agreements for prevention, generate a perplexing situation.

Legal precedents where liabilities have been imposed for invasive species exist, but are limited to some disputes regarding insects, weeds and cattle that had escaped from properties. This can potentially provide the necessary analogies for applying tort laws (Courtney 2006). Quarantines in e.g. Australia, New Zealand and Hawaii require ex-ante action in that deliberately introduced species must go through quarantines and trials funded by those intending to make the introductions in order to demonstrate that there should be no unexpected and costly invasions. Those introducing the species generally remain liable after the introduction as well (USDA 2015 - State Laws and Regulations, Hawaii). Another legal example is provided by Colorado Division of Wildlife v. Cox, (1992), which determined that exotic-free ecosystems and biodiversity are to be regarded as public rights encompassed by public nuisance law, with the Colorado statute referring to defendants as "liable" (Larsen 1995). Marine invasions are indisputably more difficult to handle, and none of these directly account for the potential of unintentional introductions, but as Larsen (1995) notes, public nuisance liability is expected to alter the behavior of shipping actors while also effectively contribute to prohibiting high-risk activities.

As mentioned, the RKC was intentionally introduced in the Barents Sea by Soviet scientists in order to create a new lucrative fishery. The introduction proved successful and thus profitable for Russia, but the species unexpectedly spread west. The need for cooperative international management became apparent as the crab moved into Norwegian waters in the 1970s, and other species were being simultaneously jointly managed under the newly established Joint Russian-Norwegian Fisheries Commission (1974). RKC cooperation initially consisted of Norwegian agreement not to harvest the crabs, which were appearing there in small numbers. By the 1990s, however, economic damages and

larger populations west of the Norwegian-Russian border caused renegotiation so that Norway began to harvest crabs, in compensation for damages to cod and capelin gear from crab bycatch. When broader potential ecological impacts became more widely recognized and eventually accepted by both the scientific community and the policy makers in Norway, a spatially differentiated internal Norwegian management plan was initiated to accommodate both the economic interests of fishermen and the ecological interests of a broader community (Sundet 2014b).

The most identifiable effects of the species are believed to be on the Arctic benthic habitat, despite the lack of adequate knowledge regarding its contribution to ecosystem services (Kaiser et al. 2015). With the Norwegians treating the species as invasive west of 26° E and at the same trying to maintain a long term fishery on the eastern part, and the Russians managing it only as long-term fishery, international interests seem to be at odds and Norway's internal goals conflicting (Kaiser et al. 2015). Despite the spatially split management regime that was developed for maintaining a long term quota regulated within a restricted area and thus afterwards limiting its spread beyond the area in which it is currently established, tracing with accuracy its distribution (at least in Norwegian waters) has been riddled with difficulties (Sundet 2014b). This is in large part an outcome of research funding biases that favor direct economic interests over indirect ones; systematic surveying west of the 26 ° E line does not occur, since the fishery is not regulated. Its spread in Norwegian waters has been westwards near coasts but has been at the same time characterized as "discontinuous" due to small populations identified by sporadic reports of spatially distinct individual catches in inner parts of more southwesterly fjords (Sundet 2014b, see Fig.1). The current prevalent assumptions indicate a continuous westward spread (Kaiser et al., 2015) and more particularly around Tromsø about 12–15 nm off shore (Sundet 2014b, see Fig. 1).

The Snow Crab (SC) *Chionoecetes opilio*, a more recent crustacean invasion in the Barents Sea, was first identified in its eastern part in 1996 by Russian fishermen (Kuzmin, Akhtarin & Menis 1998). Its origin of introduction is still being disputed, and genetic analyses trying to identify it are still under way. Its native distribution area is along the Bering Sea and the northwestern Atlantic, including the eastern coast of Canada and the western coast of Greenland (Sundet 2014b). Its introduction was initially assumed by Kuzmin et al. (1998) to have been unintentional (either though larval drift or ballast water) taking into consideration its limited migrating capabilities since it had neither managed to independently reach the seas of the Northern European Basin nor to migrate from the western to the eastern coast of Greenland and then to Icelandic waters. The spread of the species is indisputably progressing at an alarming rate (Bakanev 2014; Sundet 2014a). The crab's tolerance for cold temperatures suggests a highly likely potential expansion further north towards the more pristine areas of the "High Arctic", beyond the current and expected range of the RKC invasion. The current evidence indicates a rather successful establishment of the species in the Barents Sea, with data such as site identification (depths) and body structure characteristics (size) pinpointing nursery areas proving its successful recruitment (Agnalt, A.-L. & Jørstad 2010).

There are both serious questions about the impacts of both species on the one hand (since they have not yet been fully identified) and growing interest from the fishery industry that sees favorable market conditions on the other hand. Fears that these economic hopes will overshadow or bias measurement

of ecological consequences of the invasions and their spread are well founded – the RKC fishery in the Barents is particularly lucrative at the moment, while for SC there is also a growing interest from the seafood and fishery industries (Grimsmo 2015; Olsen 2015; Ripman 2015). With SC estimated to produce between 25,000-75,000 tons per year within the next ten years (Hvingel & Sundet 2014), this attractive economic gain may hasten activities that should be delayed for improved information regarding the potential damages to the benthic habitat. The economic gains may even promote decisions that delay the research in order to avoid knowing the true ecosystem costs, creating additional bias in the types of scientific research undertaken.

Climate change induced invasions

Indirectly, climate change impacts, considered the main underlying cause of northward habitat migration, must also be addressed in efforts to maintain existing Arctic ecosystem function at risk from invasions. Habitat migration is fraught with uncertainties while often uncontrollable at local or even regional scales, which is an indicative example of why the benefits of the colder "Old Arctic" cannot be easily replaced. This initiates discussions on examining related costs within different contexts (economic behavior, climate change mitigation costs, etc.) in terms of endeavors to more appropriately distribute them amongst global inducers of climate change and/or among the above mentioned "development players," rather than, through inaction, pushing the costs on to ecosystems and those who rely on their current services.

Climatic changes have significant ramifications in Arctic marine ecosystems while the realm of impact categories differs across the scale of analysis and evaluation approaches. When it comes to marine invasions, two major types of introductions are being identified: the ones that pertain to species already ecosystem adapted (Arctic or sub-Arctic species) and the ones that pertain to species that have managed to adapt to Arctic climatic conditions and/or are able to survive in the ecosystem thanks to the increasing temperature of the water (usually northward moving species).

Transarctic invasions are not a new phenomenon. Historical experience underlines such invasions about 3.5 million years ago, during the warm mid-Pliocene epoch when hundreds of marine lineages managed to colonize out through the Bering Strait, resulting in enriched Arctic and North Atlantic biotas (Vermeij & Roopnarine 2008). According to Reid, Edwards & Johns (2008) there is mounting evidence that interoceanic exchange is already re-occurring, with the presence of a Pacific planktonic diatom (*Neodenticula seminae*) in the Labrador and Irminger Seas that is generally found in the North Pacific and the Bering Sea. Reid, Edwards & Johns (2008) thus consider the return of the species in the North Atlantic as a sign of trans-Arctic migration, potentially leading to invasions of large scale similar to the ones that took place in the Pliocene trans-Arctic interchange.

Indicatively, as the literature points out (Vermeij & Roopnarine 2008), 56 molluscan lineages that are currently present in the Bering and Chukchi seas, as well as the Pribilof Islands and Anadyrski Gulf, and that did not participate in the aforementioned trans-Arctic expansion are considered potential invaders. The SC may indeed be one such current example. Current theory suggests that the species has moved to the Barents Sea through natural dispersal routes from the Pacific Arctic (Sokolov 2015), while it certainly did not come from Greenland (Agnalt 2015).

Northward migration, on the other hand, seems to explain the introduction of the Hanasaki King (spiny) Crab (*Paralithodes brevipes*), first witnessed in Norton Sound, AK in 2003, and growing to a population large enough that the state of Alaska allowed commercial fishing for the crabs in 2014 (Campbell & Regnart 2014; Webb 2015). The state is concerned about effects of this less marketable crab on the other Alaska King Crab harvests (Webb 2015). Its formal inclusion in the fishery allows for greater oversight, yet could exacerbate the ecological and economic consequences if private capture of market benefits increases incentives to accommodate the species' introduction into the ecosystem rather than extinguish its presence.

Institutions and policies towards invasion threats in Arctic Coastal states

Besides regional and national policies on reducing risks of marine invasions, the first coordinated effort on an international level originates from IMO's BWM Convention which was adopted in 2004 (Miller 2014). It is worth mentioning that despite not having entered into force, awaiting ratification from more than 30 maritime countries constituting 35% of the global shipping merchant tonnage, there are already 44 contracting states the combined merchant fleets of which constitute approximately 32.86% of the gross tonnage of the world's merchant fleet (IMO 2015), which practically means that it might actually be ratified shortly. As for the Arctic region, not all eight member states of the Arctic Council have ratified the IMO BWM Convention (the U.S and Iceland have not, Finland has signed though not ratified), which might look discouraging at first for a consistently organized fight against invasions in the pristine Arctic marine environment, but in practice at least, the federal regulations in the U.S. require mandatory ballast water reporting and ballast water treatment verification through the U.S. Federal Clean Water Act. There seems to exist among the Arctic states a common acknowledgment of the risk for marine invasions as well as of basic principles of ballast water management that help minimize risks (Miller 2014). Unfortunately, those risks arising from invasions are not stressed in the Polar Code; rather it pertains mostly to separate sovereign Arctic countries over search, rescue and operation safety (Fernandez 2014). The Polar Code applies to ships active in the Arctic and Antarctic, and is expected to enter into force within the next 2 years. The first draft, released in January 2014, has so far received a great deal of criticism for leaving out significant environmental threats arising from maritime activities, including marine invasions from ballast water discharge, hull fouling and development of maritime structures (Miller 2014). Recently, (68th session 11-15 May 2015), MEPC (IMO's Marine Environment Protection Committee) adopted the environmental requirements of the Polar Code through existing MARPOL (International Convention for the Prevention of Pollution from Ships) amendments, aside from the safety and rescue requirements of SOLAS (International Convention for the Safety of Life at Sea). The Polar Code still lacks any component regarding maritime requirements regarding the threat of marine species invasions. With sea ice becoming less reliable as a permanent natural barrier, the impacts of activities in the Arctic, including fishing, shipping, tourism, resource extraction, etc., rank very highly in importance both with respect to the economic future of the Arctic, and the threat of marine invasive species, particularly for Arctic Coastal states. Already highlighted in the report by CAFF (2013), both Canada and U.S. seem to be aware of how costly invasions can prove out, with billions of dollars in expected annual damages from invasive species. Fernandez (2007, 2008, 2011, 2014) includes these countries in analyses of the

effectiveness of policies and economic incentives between countries with and without marine invasive species policies extending into the Arctic from international maritime trade, aquaculture and aquarium trade pathways of invasion. Besides policies regarding ballast water that were previously described, the U.S. has also prioritized management and further exploration of invasive species in the Arctic, within the National Strategy for the Arctic Region Implementation Plan (NSAR IP). The recent U.S. chairmanship of the Arctic Council is also expected to address the issue, with its working groups such as CAFF (2013) and PAME (2013) already partly working and having committed to work further towards that direction.

Iceland has significant experience from at least 14 marine species identified as non-native within the last 58 years, with nine of these approximately in the last decade (Thorarinsdottir, Gunnarsson & Gíslason 2014). The national policy indicates precaution rather than eradication which is interpreted practically in regulations for ballast water in force since 2010 for the prevention of discharge within the Icelandic 200 mile EEZ jurisdiction (Thorarinsdottir et al. 2014), as agreed through the OSPAR and Helsinki Commissions. Though these commissions provide some assistance for monitoring and enforcement (OSPAR 2015), it must be expected that such measures may at times be violated with relative impunity.

Denmark's policy (representing Greenland's interest in the Arctic) lies in the recognition of the significant threat and thus the implementation and ratification of the Ballast Water Convention. However Denmark's ratification of BWC does not apply for Faroe Islands and Greenland (IMO 2015). Note that all Arctic states that are sovereign members of the IMO, and the Faroe Islands as an Association Member of IMO, did sign the Antifouling Convention that is in force. In Greenland, all vessels and drilling units involved in hydrocarbon activities need to follow IMO guidelines or the relevant Canadian regulations with respect to ballast water discharge (Frederiksen, Boertmann, Ugarte & Mosbech 2012).

Russia and Norway have confirmed marine invasions in their waters (at a minimum, RKC and SC), and have been working hard towards identifying, with as much accuracy as possible, impacts on the ecosystems and justifying rational and effective management strategies, despite the fact that the aims seem to differ. While both counties have policies to address marine invasive species (Sundet 2014b; Sustretova, Zakharov & Etin 2012), the RKC is not being treated as an invasive species by the Russians, while the Norwegians act uncertain about their classification.

As for the much newer SC invasion, management plans and intentions have not been finalized in either the Norwegian or in the Russian zone, since there is still ongoing research on the species itself as well as discussions on the desired results. The process of resolution of the scientific uncertainty is a case where research outcomes directly influence international policy, and where long-standing international policy intended for very different shared natural resources will impact incentives over governance of the species. This is due to the debate about whether the crab is a 'sedentary species', and therefore not regulated under the UN Fish Stocks Agreement[1] but rather under international regulation that would give Russia decision-making power over what is now the "Loophole" of Barents' international waters, where most SC fishing is currently occurring. This debate appears close to resolution, in favor of the SC being designated a sedentary species and closing the international

loophole for SC fishing (Hoel 2015; Hansen 2015). Meanwhile, it is clear that there are significant hopes that the crab will bring new economic opportunities to the Barents Sea (Hvingel 2015). Interest in the question of whether the SC is a sedentary species is particularly poignant in the Barents Sea because at the moment there is no authorization on fisheries on the outer continental shelf. The northwest spread of the species, in particular toward Svalbard, has created concerns that would recommend harvesting above sustainable fishery levels to reduce the spread and potential damages of a large and expanding SC population into more clearly valued marine habitat (Hop et al. 2002; Jørgensen & Spiridonov 2013; Sætra 2011), evidenced not least by the scientific effort put in to determining the ecosystem functioning, and will require concerted efforts to address its management in the Barents Sea between Russia and Norway.

The borders between nations provide both opportunity and risk pertaining to invasive species. While international trade requirements may facilitate inspections, quarantines, and other preventative measures, borders also determine the extent of a nation's direct control over monitoring and enforcement and over incentives to reduce being a source of invasive species to a neighbor. Again, the RKC experience in the Barents presents an example of the gaps that come at borders if research and information are not properly shared. When the Norwegians agreed not to harvest RKC in the 1970s, they had little information on the Russian's actions to transplant the crab to the Barents and the potential for the species to become a significant presence in their waters. This led to unanticipated costs to Norwegian cod and capelin fishermen in the early 1990s and inefficient policy over containment of the RKC in Norwegian waters, in addition to the current conflicting Norwegian internal policy.

Synthetic analysis of existing research

Misplaced emphasis? Dearth of data and existing knowledge gaps

Before deepening the discussion of abatement costs/investments and assigning burdens, we first need to acquire an adequate understanding of why the above mentioned impacts are of such great importance. Invasions, together with the various disease vectors and pathogens, can have critical interactions with other drivers of ecosystem change thus causing a series of cascading effects both on human health and economic well-being, besides changing ecosystem dynamics.

Nevertheless species under-representations (usually microorganisms such as invasive microbes) (Amalfitano, Coci, Corno & Luna 2015; Thomaz, Kovalenko, Havel & Kats 2015) and other bio-economic biases such as funding uncertainties (Kaiser & Burnett 2010), and policy gaps between stages of invasions (Burnett, D'Evelyn, Kaiser, Nantamanasikarn & Roumasset 2008; Burnett, Kaiser, Pitafi & Roumasset 2006; Kaiser 2006) frequently present themselves in invasion-related research. The lower level of difficulty in detecting and fighting invasive macroorganisms compared to microorganisms is indisputable, but lately there has been mounting evidence for the greater significance of alterations in community structure and ecosystem functioning caused by the latter (Vincent 2010) that ranges from the contribution of microbial food webs to marine productivity, to outbreaks of diseases and parasite

transmission caused by microscopic pathogens (CAFF 2013). Additional research concentration in these areas may have high potential net benefits.

Microorganism bio-invasions are a rather conspicuous feature of marine ecosystems overall, particularly because of the ballast water tanks which may carry hundreds of trillions (Society for General Microbiology 2008) of microorganisms on just a single tank or a hull can harbor whole ecosystems of microorganisms. The chances of their individual survival might be relatively low, but the increasing shipping activity in the Arctic increases the overall threat level. Fighting the challenge of microorganism invasions and managing them effectively has never been easy. One can argue that preventing introduction and new infestation would be an optimal solution but the limited amount of research to date does not allow strong conclusions (Burnett et al. 2008; Burnett, Pongkijvorasin & Roumasset 2012; Kaiser & Burnett 2010). Besides the general experience obtained so far, which indicates that particularly for marine ecosystems, preventing invasions has proved the most effective and economically viable way to mitigate their impacts (Carlton 2001; Williams et al. 2013), the diverse realm of Arctic invasions paves the way towards intensifying joint prevention efforts.

Apart from the microorganisms discussed above, existing fears for future invasions are also informed by northward migrations in temperate waters and include species that range from the European green crab (*Carcinus maenas*) (deRivera, Steves, Ruiz, Fofonoff & Hines 2007), which as a voracious predator may pose a significant threat to Arctic marine life, to salmon (Nielsen, Ruggerone & Zimmerman 2013). Additionally to the above, other non-indigenous species have also been identified in Arctic and sub-Arctic waters but cannot yet be listed as confirmed invasions (Molnar, Gamboa, Revenga & Spalding 2008):

Table 1: Suspected Arctic introductions

Species name	**Binomial name**	**Higher Taxa**	**Ecoregion/ location of identification**
Soft-shell clams	*Mya arenaria*	Invertebrate Mollusc	North and East Iceland
Hydroid	*Ectopleura crocea*	Invertebrate Cnidarian	Eastern Bering Sea
Naval shipworm	*Teredo navalis*	Invertebrate Mollusc	Eastern Bering Sea
			East Greenland Shelf
			West Greenland Shelf
			Northern Grand Banks - Southern Labrador
			Northern Labrador
			Baffin Bay - Davis Strait
Acartia copepod	*Acartia tonsa*	Invertebrate Arthropod Crustacean	White Sea
Zebra mussel	*Dreissena polymorpha*	Invertebrate Mollusc	Hudson Complex

Marine pill bug	*Sphaeroma walkeri*	Invertebrate Arthropod Other	Beaufort Sea - continental coast and shelf

Source: (Molnar et al., 2008)

Questions to be answered about these species include the means through which, and the time at which, they arrived at the aforementioned destinations either purposefully or accidentally. More importantly, perhaps, questions include what ecological and economic damages should be expected from these introductions if they spread, and what policy actions can and should be taken to minimize these damages (Burnett et al. 2006; Fernandez & Sheriff 2013; Fernandez 2007, 2008, 2011, 2014; Kaiser 2006). It is worth mentioning that it is a viable hypothesis for all of them to have been transported through hull fouling and ballast water discharge. What is highly likely though, as suggested by Ruiz & Hewitt (2009), is that our limited taxonomic knowledge and respective capacity for biogeographic and taxonomic resolution together with potential biases in search efforts may have resulted in limited observed differences in nonnative species richness and thus in underestimation of nonnative species. Here again, biases in our understanding of Arctic ecosystems limit our ability to answer these questions. While observations of ecosystem behaviors by indigenous Arctic peoples have come to be greatly appreciated for their astuteness and breadth (Krupnik & Jolly 2002; Lopez 1986), such observations focus on direct food sources and/or threats to survival, and cannot be expected to include comprehensive submarine surveillance that might allow specific identification of the details of long run benthic habitat changes, instead of primarily the bio-economic consequences of such changes.

The scale of concern for such diverse invasions and their potential consequences is very different but still joint consideration and common prevention strategies focused on disruption of human-induced introduction pathways (such as broad actions, like mitigating climate change impacts, or locally specific requirements, such as ballast water exchange regulations, etc.) offer considerable economies of scope. Fighting against more than one species at a time can be expedient towards developing common policy channels that will enable effectively attacking the invasion threat at once.

Conclusions

The threats of invasive species' introductions in the Arctic are increasing as economic and ecological shifts increase opportunities for both introduction of new species and their establishment (Fernandez et al. 2014). In the Arctic Ocean, intentional and unintentional invasions are already underway. The invasions about which we have the greatest evidence are also directly profitable crustacean species. Two of these species, the RKC and the SC, are introductions in the Barents Sea involving international agreements between Russia and Norway. While the two countries have been able to agree on all other shared fishing stocks, they cannot agree on management of the crabs because they have different expectations over the potential costs of the continued presence and spread of these species. Furthermore, as the invasion frontier in the case of the RKC, Norway has international considerations with the rest of the North Atlantic that may affect its governance choices.

There are many more potential invaders, and yet our scientific understanding of Arctic marine ecosystems is sufficiently poor that we do not have an adequate baseline to know what invasions might threaten or indeed if new observations of species are new introductions or just new data on native species. Research challenges in the Arctic not only make the establishment of such a baseline extremely costly, but also research is limited by the seasonality of what is feasible, and by research foci that stem from prioritizing the gathering of more information on direct resource use rather than broader ecosystem functioning. This all leads to the introduction of research biases that direct both policy and research dollars in inefficient ways. Research efforts that aim to fill in gaps in knowledge about baseline conditions, seasonal ecosystem effects and interactions between trophic levels are likely to produce particularly valuable gains, especially if they are integrated with expectations about changes in human behaviors that will change the likelihoods of both deliberate and accidental introductions. A broader approach that includes frequently overlooked microorganisms is also recommended to capture the greatest returns for protection of ecosystems and the resources they support.

The examples here highlight several important considerations for policy development and governance of invasive species issues. These include both bio-economic and strategic aspects of invasive species problems, and range from difficulties in aligning strategic incentives to fight ecosystem change, as we see in the Barents, to difficulties in adapting lessons from one species and location to another, even if they seem potentially quite similar (Kaiser et al. 2015).

Increased coordination of Arctic marine governance at the international level in the form of the Polar Code has failed to include invasive species management. We anticipate this could prove to be a very costly mistake. Increased research and coordination of preventative measures in particular present opportunities for joint (cost-saving) actions across jurisdictions, resource users, species' threats and ecosystems. The authors of this article and their colleagues are engaged in a long term research project through the Belmont Forum to investigate specifics of viable policy options for the Arctic that address the ecological and economic complications laid out here. It is certain that successful multilateral coordination efforts must address realities of both ecosystem and human behavior, so that in the case of marine invasions in particular, policies that front-load interception and disruption of pathways for introduction and establishment of exotic species rather than delay efforts until a serious problem is identified, are likely to be most cost effective. Furthermore, beyond international agreements, successful policy will require integration to identify, prevent and treat threats within communities with differing marine resource uses and users. The vast scope of these differences in the Arctic creates a particular set of challenges that add to the importance of incorporating ecosystems directly into policy decisions.

Since scientific understanding of existing Arctic ecosystems is relatively incomplete, promoting ecosystem resilience with cooperative actions to slow climate change should be considered valuable investment in prevention. Still, prevention of invasive species is imperfect. We can only reasonably expect to delay changes. We must engage in improved monitoring of invasive species and harness the observational capacity of local resource users to widen the net for detection and subsequent reparative action.

Notes

1. In Part VI, Article 76 of the UN Convention on the Law of the Sea (UNCLOS, 1982) describes the process through which coastal states can determine the outer limits of their extended legal continental shelves beyond the 200 nautical mile limit of their Exclusive Economic Zone (EEZ) and thus gain marine sovereignty rights. Sedentary species (on the continental shelf) are also regulated by Part VI and not Part V that focuses on coastal states' rights and duties in EEZ and includes regulations for living marine resources. For sedentary species occurring beyond the continental shelf, the regime described seems rather unclear as the initial intention was to regulate mining and extraction of other non-living resources, since at the time the economic and commercial interest for those fishery resources had not developed to the extent it has today.

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Inter-Parliamentary Institutions & Arctic Governance

Michał Łuszczuk

The participation of inter-parliamentary institutions in the processes of international cooperation, especially in the processes of regional governance in almost all parts of the world, has been expanding in the last few decades. The Arctic region too can be praised for the existence of a number of such entities, such as the Conference of Arctic Parliamentarians, the Barents Parliamentary Conference, the Nordic Council and the West-Nordic Council. This paper aims to provide, for the first time, a comparative analysis of the activities of these bodies in regards to their participation in the Arctic governance system, focusing in particular on the relations and links between the inter-parliamentary institutions and the Arctic Council. The paper ends with a reflection on the forthcoming role of such institutions in the future development of multidimensional cooperation among Arctic and non-Arctic nations as well as the threat of a possible democratic deficit in the Arctic.

Introduction

One of the manifestations of the changes taking place in the Arctic over the last few years is the transformation of regional governance understood as structures of authority that manage collective regional problems (Elliott & Breslin 2011). The number of its participants has increased, the range of subjects of cooperation has expanded, and the the rules and mechanisms that constitute it have been refined (Pelaudeix 2015; Exner-Pirot 2012; Graczyk & Koivurova 2014; Molenaar 2012). Although the foundations of the governnance strutures, where the Arctic Council plays a central role, were shaped at the turn of the 1980s and 1990s, its subsequent functioning is generally quite highly rated in terms of normative design and institutional preformance (Young 2005; Koivurova & VanderZwaag 2007). For example, according to some authors, "(B)y international standards, the Arctic region has been a leader by constantly pushing the edges of governance innovation" (Poelzer & Wilson 2014: 183). One of the most important patterns of this 'governance innovation', has been the considerable participation of non-state actors in regional cooperation, and especially a unique status granted to indigenous people in the Arctic Council (AC) (Koivurova 2010; Young 2009; Duyck 2012; Stępień 2013; Graczyk 2011).

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However, due to many political developments taking place in the Circumpolar North since 2008, when the Illulisat Declaration (Ilulissat Declaration 2008) was issued, and especially the growing interests of non-Arctic actors in the region, the position and role of non-state actors has been challenged by pressures from the Arctic national governments (Koivurova et al. 2015; Steinberg & Dodds 2015; Ingimundarson 2014; Duyck 2012; Graczyk 2011). If this expanding trend of intergovernmentalism within Arctic cooperation continues – and the significance of the Arctic grows further both globally and nationally – then indeed, "defining political community and legitimate participation in Arctic governance" is becoming increasingly important, as suggested in the Arctic Human Development Report II (Poelzer & Wilson 2014: 185). Furthermore, it may lead to questions about the plurality of the regional governance, about its democratic legitimacy and accountability, and finally, a debate on lack of respect for the rules of democracy in the Arctic governance – a subject that is sometimes raised in regard to other intergovernmental institutions (Bernstein 2011; Grigorescu 2015; Zweifel 2006). In fact, such voices and concerns have appeared in the past, in the early 1990s, e.g., when the Nordic Council's Parliamentary Conference was organized in Reykjavik from 16 to 17 August 1993 (Samstag 1993).

Or maybe such concerns are exaggerated or not fully justified? Maybe Arctic regional governance should not be criticized, taking into account the indigenous peoples' organizations exceptional consultation rights as Permanent Participants in connection with the AC's negotiations and decision-making process (Koivurova & Heinämäki 2006) and the development of indigenous internationalism (Loukacheva 2009)? Or maybe the presence of regional inter-parliamentary organizations and non-governmental organizations as Observers in the Arctic Council provides sufficient protection against such objections?

While the issue of the role of the indigenous peoples' organizations in Arctic governance has been discussed in several other places (Koivurova & Heinämäki 2006; Duyck 2012; Loukacheva 2009; Wilson & Øverland 2007; Martello 2008), this article aims to address the problem of democratic accountability within Arctic governance by means of assessing the impact and significance of the regional inter-parliamentary organizations operating in the Circumpolar North. Rooted in the ongoing discussion on the development and role of inter-parliamentary institutions (Cofelice 2012; Cutler 2013; Kissling 2011), the present study will take a functional approach to this question, taking into consideration the activities of inter-parliamentary institutions operating in the Circumpolar North.

The first section will set the general context, highlighting the progressive recognition of the interparliamentary organizations and their importance in regional governance, as well as the particular challenges relating to their roles. The second section will outline the cases of the four organizations: the Nordic Council, the West-Nordic Council, the Conference of Arctic Parliamentarians and the Barents Parliamentary Conference, touching on their differing backgrounds, scopes of tasks, and relationship to the Arctic Council, which remains the central cooperation forum in the region. Finally, the results of the analysis will be discussed and prospects for further development of the Arctic regional governance will be considered.

International parliamentary institutions in contemporary international relations

Among the many signs of change in the modern-day international community, it is useful to highlight the gradual structural bifurcation in levels of governance. In other words, international relations today are a stage where two worlds coexist or even overlap – one state-centric, the other composed of transnational actors (Pietraś 2009). As Pietraś suggests, "Although both 'worlds' are integral components of the same international reality, there are many distinctive qualities that characterize each of them, underlining the structural hybridity of entities in the international realm" (Pietraś 2009: 32). This hybridity, coupled with ever more intensive transboundary relations, redefines and restructures interactions between states, 'imposing' and accelerating the development of mechanisms governing the international arena (Pietraś 2007). Some interesting consequences of this evolution include an increasingly 'saturated' international political scene and a progressive blurring of boundaries and borders, of differences between the intrastate and the interstate domain (Łoś-Nowak 2013: 49).

Furthermore, Surmacz indicates that "a change in the distribution of power in international relations [resulting from the aforementioned processes] has resulted in parallel changes in the diplomatic realm," which in turn has led to "the modern diplomatic community [becoming] akin to a series of interactions among both state and non-state actors representing interests that are organized both territorially and non-territorially, implementing both official and unofficial forms of diplomacy" (Surmacz 2013: 9). One example of this relatively new situation is the increasingly dynamic expansion of the international dimension in the activities of different national parliaments (Torbiörn 2007; Puzyna 2007), which Florczak-Wątor and Czarny believe has made "international cooperation input from parliaments a common phenomenon in the world today" (Florczak-Wątor, Czarny 2012: 45). The goal of this part of the paper is to synthesize fundamental conceptual approaches surrounding this modern-day development trend in international relations, highlight its versatility, and especially move toward a clearer notion of the processes behind the creation and operation of inter-parliamentary institutions.

Before delving into the structural characteristics of the international community that underlie the growing involvement of legislative bodies in creating foreign policy, it bears establishing that "a parliament is a … body organized under a state that is a legitimate subject of international law and, as such, engages in international legal relations with other similar subjects" (Florczak-Wątor, Czarny 2012: 45). While this formulation could be considered a response to any potential questions as to the legitimacy and legal foundations for such activity on the part of parliamentarians, it is at once only a starting point for further clarifying discussion. Jaskiernia, for instance, asks, "How do we treat these activities of representatives of national legislatures in the realm of foreign affairs – as instances of 'parliamentary diplomacy' or beyond?" (Jaskiernia 2013: 166). In pursuing the answer to this question it is worth noting at the outset that, for several decades now (though the specifics vary by country), "parliaments no longer limit themselves to making foreign policy, but also expand into executing it" (Florczak-Wątor & Czarny 2012: 45; Malamud & Stavridis 2011). As far as the extent of control over this area of policymaking is concerned, the clout and capacity of national parliaments have indeed increased.

Returning to the question of what exactly is the international activity of parliamentary institutions (often called 'parliamentary diplomacy' (Stavridis 2002)), the answer does not seem to be entirely straightforward, partly as a result of the diversity of forms and goals of engagement (Šabič 2008). As far as forms of engagement go, we distinguish cooperation on the level of (1) houses of parliament operating *in pleno*, (2) the chairs or speakers of these bodies, (3) parliamentary committees, and (4) bilateral parliamentary groups (Florczak-Wątor & Czarny 2012: 52). Puzyna has offered a different typology, according to which six types of entities can be distinguished within the scope of inter-parliamentary cooperation: (1) conferences or assemblies with the participation of parliamentary leaders and/or Speakers; (2) inter-parliamentary assemblies or other forums; (3) conferences or meetings of leaders or parliamentary envoys from associated standing committees; (4) inter-parliamentary organizations, associations, or official meetings among individual parliamentarians; (5) meetings of the General Secretaries of parliamentary offices or secretariats; and (6) meetings and networks composed of employees of secretariats or parliamentary offices (Puzyna 2007, p. 40). The first three of these can pertain to both bilateral and multilateral relations. The primary objectives of the international engagement of national legislatures include: (1) exploration and acquisition of information on international partners; (2) exchange of knowledge and experiences between the parliaments of different states and mutual improvement; (3) developing a network of contacts between parliamentarians and the elaboration of shared policy positions on the international arena (Florczak-Wątor & Czarny 2012: 54).

In Weisglas and de Boer's estimation, the growing engagement of international parliamentarians also serves to strengthen three key aspects: (1) the legislature's control over the activity of its respective government, (2) the democratic legitimization of intergovernmental institutions, and (3) maximum representation of voter interest (Weisglas & Boer 2007). Torbiörn goes so far as to state that parliamentary groups are an 'oxygen tank' in some international organizations (Torbiörn 2007: 32). Jaskiernia looks at the issue from a different angle, suggesting that members of national parliaments who take part in inter-parliamentary debates might sometimes exhibit a greater tendency toward following their own guiding principles in their stated opinions – but this does not always lead to "attenuation of conflicts, which often require a more pragmatic approach" (Jaskiernia 2013: 185).

With respect to the geographical range of the cooperation spearheaded by international parliamentary institutions, we distinguish five varieties thereof: global, intercontinental, continental, interregional, and regional (Florczak-Wątor & Czarny 2012: 59). Florczak-Wątor and Czarny correctly point out that multilateral parliamentary cooperation:

> [I]s by definition general and broad, not specialized. It cannot simply be reduced to collaboration among parliaments and parliamentarians in one given domain of social life in each country. This is a result of the powers and competencies conferred to the legislative of each country in the wide realm of social issues. Irrespective of this, we generally encounter a degree of consistency in the level of priority attached to specific topics in specific forms of cooperation, as it is rather difficult to spontaneously undertake only the problems that are relevant in a given moment" (Florczak-Wątor & Czarny 2012: 59–60; Puig 2004).

Two more categories of cooperation can be distinguished by analyzing the international activity of different national parliaments: prescribed (when the activity stems from the provisions of an international treaty defining the participants' roles in a given international entity) and optional (when the activity stems from the sovereign decisions of the parliamentarians) (Florczak-Wątor & Czarny 2012: 60). In presenting this typology, it is also worth noting that inter-parliamentary cooperation can be self-generated (autonomous) or complementary (incorporated into the operations of a given organization) (Florczak-Wątor & Czarny 2012: 60). It can also be either consistent and institutionalized or temporary and provisional (Florczak-Wątor & Czarny 2012: 61). As shown above, the evolution of the international activity of parliamentary institutions is a highly complex process, which renders its evaluation difficult and the effectiveness of the institutions themselves problematic (Supranational parliamentary and interparliamentary assemblies in 21st century Europe 2007; Supranational parliamentary and interparliamentary assemblies in 21st century Europe 2007; Šabič 2008: 261).

At this juncture, I will focus on the most important of the many currents that come under this 'transnational parliamentarianism' (Marschall 2007) – one which manifests itself in international parliamentary institutions, otherwise known as parliamentary assemblies. Its origins can be traced to the creation of the Inter-Parliamentary Union in 1899, though it was not until the 1940s and 1950s that it entered the phase of dynamic growth in which it remains today (Tedoldi 2014). The 1980s and 1990s saw a significant increase in the overall number of parliamentary assemblies, which derived both from the end of long-standing Cold War rivalries and from accelerated European integration (Herranz 2005) coupled with the march of globalization. Marschall points out that modern-day parliamentary assemblies, despite their European heritage, exist across the world, and will continue to proliferate even more dynamically outside of Europe in tandem with increasing regionalization and democratization (Marschall 2007: 3-4).

Today, two of the basic qualities of parliamentary assemblies are the fact that they are composed of delegations from different national parliaments, and the fact that they pursue a consistent and institutionalized agenda, typically outlined in a charter or statute. Many parliamentary assemblies lift institutional approaches (e.g. in structure or manner of operation) that work effectively on the national level (Marschall 2007: 12). A large majority of assemblies are affiliated (though in different ways) with intergovernmental organizations, and many of them additionally form an integral part of the structures of other transnational institutions (Marschall 2007). This 'tethering' has an important effect on the range of issues they undertake, the effectiveness of their policy decisions, and the sway they hold over decision processes on both the national and international level. Marschall clarifies, however, that the real clout of parliamentary assemblies is manifested in their contribution to the development of multilevel parliamentarism (Marschall 2007), which is gaining importance in governance as it is envisioned by modern international relations (Jancic 2014; Crum, Fossum 2009).

To round out these considerations on the various forms of international activity of parliamentary institutions, it should be noted that the legislatures of the Nordic countries have always played an active role in their development (Götz 2009, 2005). Close collaboration among the Nordic parliaments has been ongoing since the end of the 19th century, and in 1907 this collaboration was formalized in

the form of the Nordic branch of the Inter-Parliamentary Union, known as the Nordic Inter-Parliamentary Union (Piotrowski 2006b). Subsequent phases of this collaboration enabled the creation of new institutions (Schouenborg 2012; Fasone 2013), including those that later get engaged in the Arctic region.

Inter-parliamentary organisations in the Arctic

In the Arctic, regionalization does not take place like it does elsewhere, hampered by the transcontinental nature of the region, low population density, sparse infrastructure, and its landscape of endless sea and ice (Łuszczuk 2013; Knecht 2013). These difficult conditions did not, however, prevent the states of the region from establishing inter-parliamentary cooperation in the Arctic immediately after Cold War rivalries started to fade. This process began among the Scandinavian countries, but subsequently spread to other corners of the Arctic (though with the Nordic countries still in a clear dominant role).

The so-called 'Scandinavian Parliament' (Piotrowski 2006b: 107) has been a crucial component in the process of tightening cooperation among the countries of Northern Europe. Its initial incarnation was the Nordic Inter-Parliamentary Union, which first convened in 1907. It was under this entity that the countries decided, in 1951, to breathe life into the idea of a 'pan-Nordic parliament' (parliamentary council) composed of parliament members from individual Scandinavian countries as well as representatives of their respective governments. Further work on this project led to the adoption of a statute for a new Nordic Council. The subsequent evolution of the Council increased the number of participating countries (since 1970, the five Nordic countries have opened participation in sessions of the Nordic Council to include representatives from local parliaments in the Faroe and Åland Islands, while Greenland was invited in 1983) as well as ever greater diversity in the subject matter, but also had a structural-institutional aspect (e.g. in the creation of the Nordic Council of Ministers in 1971) (Piotrowski 2006a; Nowiak 2001).

The results of the Nordic Council's activity (both positive and negative) as well as the vast swathes of territory it covered paved the way to the creation of another inter-parliamentary assembly in 1985 – the West Nordic Council. At the same time, changes in geopolitical conditions in the region contributed to the diversification of contacts and connections within the region, eventually bringing about the establishment of the Conference of Arctic Parliamentarians in 1993. However divergent the range and, in particular, the method of operation of each of these North European-dominated parliamentary institutions, each of them has, in its own way, expanded its level of engagement in Arctic issues in the first two decades of the 21st century.

The Nordic Council

Given that the genesis of the modern Nordic Council is strictly tied to the international engagements of parliamentarians from individual Scandinavian countries, it should not come as a surprise that, from the outset and until the creation of the Nordic Council of Ministers in 1971, the primary operational body of the Nordic Council was the parliamentary assembly (Piotrowski 2006a). The group of 87 delegates from eight national parliaments and governments make up its current incarnation, though

governmental representatives are not given the right to vote. The assembly traditionally convenes annually for regular sessions (5-10 days in the capital of each successive member state), with additional special sessions organized when necessary. The delegates are arranged in their seats alphabetically by last name, and each of them is entitled to one vote. The parliamentary assembly of the Nordic Council passes non-binding recommendations and statements addressed to national governments and the Nordic Council of Ministers; the sessions typically feature debates on issues raised by the governments that make up the Nordic Council. Representatives of the Nordic Council are at once delegates to the Baltic Sea Parliamentary Conference, the Barents Parliamentary Conference (BPC), and the Conference of Arctic Parliamentarians.

The Nordic Council's interest in the Arctic region, which after all represents a considerable portion of their collective land mass and territorial waters, was not initially a key area of focus for the Council, whether at the external or the internal level. At most, it fell into broader operations and policy initiatives such as environmental protection or fomenting forms of regional cooperation in the Arctic (e.g. through providing an initial stimulus for the creation of the CPAR) (Bohlin 2010: 28). For all the activity described above, the Nordic Council only initiated its Arctic Co-operation Programme in 1996 and has been systematically expanding it since then in organizational,[1] financial,[2] and functional (areas of interest) terms (Stokke 2007). It should be clearly noted here that the chief body responsible for the Nordic Council's engagement in the Arctic is the Nordic Council of Ministers, which has held Observer status with the Arctic Council since 2000. In this case, the role of the parliamentary assembly of the Nordic Council is to provide support to the Council of Ministers via active participation in drafting successive versions of the Arctic Co-operation Programme during the assembly's special sessions[3] as well as practical input into the debates held during the Arctic Council's conferences on the Arctic region.[4] It is possible that one way in which the Nordic Council's parliamentarians could get further involved in the near future could be in creating a common Nordic strategy for the Arctic; the intent to do so was accepted by the Presidium of the Nordic Council in 2013 (Nordic Council 2013).

Furthermore, the Nordic Council may have an important input in the future pathways of parliamentary diplomacy in the Arctic.[5] In this respect, Annika B. Rosamund suggests an interesting scenario where the Nordic Council could play the role of a mediator between the Arctic Council and the European Union (Bergman Rosamond 2011: 26). This development seems relatively plausible given that cooperation between the different parliamentary assemblies (NC, EP, and CPAR) has been ongoing and free of major complications for the last several years (European Parliament 2009; Ojanen 2004).

The West Nordic Council

The West Nordic Council was founded in 1985, during a meeting in Nuuk, as the West Nordic Parliamentarian Council of Cooperation. It is composed of representatives from Iceland and two autonomous territories of the Kingdom of Denmark: Greenland and the Faroe Islands. According to Nielsson, the factors that came into play in the decision to create the Council included, on the one hand, the ever-greater sovereignty of the Danish territories, and on the other, the myriad similarities that linked these three countries, strewn as they are across the wide expanse that divides Europe and

North America (Nielsson 2014; Eyþórsson & Hovgaard 2013). It is pertinent to add that the political, economic, and sociocultural ties between the other Nordic countries and Iceland, Greenland, and the Faroe Islands gradually unraveled in the post-war period, which at once generated aspirations among them to play a more independent, self-representing role, perhaps not yet on a fully international level, but at least insofar as Nordic cooperation was concerned. One argument that supports this assessment is the agreement signed between the Nordic Council and the West Nordic Council on the terms of cooperation between these two assemblies (Nordic Council 2006); other authors point out the reluctance and distrust of these countries towards the European Union (Bailes 2014).

In 1997, the Council was renamed the West Nordic Council, its statute was revamped and expanded, and the mechanisms of cooperation were extended from just the sociocultural to the political and economic spheres (Nielsson 2014). Today, the West Nordic Council encapsulates its objectives in five points: (1) to promote West Nordic (or North Atlantic) interests; (2) to protect and preserve the resources and culture of the North Atlantic and support West Nordic governments in promoting their interests, beyond such vital concerns as resource management and pollution; (3) to sustain and expand West Nordic intergovernmental cooperation; (4) to cooperate with the Nordic Council and act as an intermediary in overall Nordic cooperation; and (5) to act as a parliamentary intermediary for other West Nordic organizations, participating in parliamentary cooperation across the Arctic region (West Nordic Council 2015).

The Council is made up of 18 members (6 delegates from each country), and its focus and direction are indicated by a three-member presidium augmented by the Council secretariat, based in Reykjavik. The West Nordic Council convenes twice a year – once for a general plenary session, which elects the presidium for a one-year term, and once for a special session dedicated to a topic considered important to the interests of the West Nordic community. These assemblies typically produce joint recommendations, which are then conveyed to the parliaments of the three member states for discussion, and eventually find their way to the governments of each. Nielsson points out that the recommendations made by the West Nordic Council in recent years have touched on a variety of issues, though many of them had a distinct Arctic dimension, e.g. issues of resources and transportation, environmental protection, or international relations (Nielsson 2014).

The issue of greater participation in cooperation on matters pertaining to the Arctic was taken up by the West Nordic Council relatively late, namely at in the early 2010s (Hovgaard & Eythórsson 2013). In 2012, following a scientific conference on the geopolitical conditions surrounding West Nordic cooperation, the Council adopted a resolution that encouraged the governments of the three countries to promote cooperation in matters of the Arctic as well as evaluate the possibility of designing a common Arctic strategy.

Several months later, during the Council's session in Narsarsuag, Greenland, the parliamentarians decided to prepare a tentative analysis of this issue. The conclusions were as follows: (1) a common West Nordic Arctic policy would strengthen regional cooperation and bolster the West Nordic states' international standing; (2) economic cooperation gives these three countries promising perspectives, and should be geared toward an eventual free trade agreement as well as a common economic zone;

and (3) the West Nordic countries should jointly strive for international support for their plans, e.g. by attracting foreign investors.

The issue of a common strategy on the Arctic and the reinforcement of the relative standing of the three West Nordic countries was a subject of debate during the 2014 session of the West Nordic Council, which took place in Reykjavik in mid-September 2014 (Ryggi 2014). As a result, the Council communicated a request to the governments of Iceland, Greenland, and the Faroe Islands to develop such a strategy (Konradsdóttir & Nielsson 2014). This matter has been also expected to top the list of topics of discussion at the next session of the West Nordic Council in 2015 (Ryggi 2014). It would appear that the spheres of operation that could create a foundation for a common Arctic policy among these three countries include: extraction of energy resources, natural resource management, development of transport infrastructure, and the promotion of tourism. A real step in the direction of strengthening the position of the West Nordic countries in Arctic cooperation was the West Nordic Council's petition for Observer status with the Arctic Council, made in August 2013.

The Conference of Arctic Parliamentarians (CPAR)

Another of the institutions selected for this analysis – but one focused strictly and exclusively on the Arctic region as a whole – is the Conference of Arctic Parliamentarians (CPAR), which takes place every two years (Puig 2008: 99). Its roots can be found in the conference organized by the Nordic Council in Reykjavik on August 17, 1993 (The Nordic Council's International Conference for Parliamentarians on Development and Protection of the Arctic region 1993). The announcement made after the conference had declared the creation of a new body – the Standing Committee of Parliamentarians of the Arctic Region. The Committee began operations in September 1994; its members met three or four times a year to discuss the current situation in the region as well as to evaluate the impact of previous announcements and resolutions promulgated by the Conference. The first role of the Committee was to support the initiative to create the Arctic Council.[6] Once this formally occurred in 1996, the Standing Committee took the role of an Observer entity (formally from 1998). The members of the Standing Committee also function jointly to represent Arctic interests as Observers in the Barents Euro-Arctic Council (BEAC) (Langlais 2000: 28). In 1999, the Committee drafted and recognized its own overall rules and regulations, and the rules of the Conference were also laid out (Langlais 2000: 29).

Meetings of the Conference are attended by delegations from the parliaments of the eight Arctic states as well as the European Parliament, while the proceedings also feature input from 'Permanent Representatives' of organizations that represent the indigenous peoples of the Arctic as well as envoys from different international organizations or Observer countries of the Arctic Council. In recent years, both the Conference and the Standing Committee are clearly involving themselves in deliberations on shipping, education and social development, as well as climate change in the Arctic. In the Declaration of the participants of the 11th (and most recent) Conference, which took place on September 9-11, 2014 in the Canadian town of Whitehorse, a number of additional areas of interest were indicated, including: (1) infrastructure for balanced development, (2) management models and decision

processes, (3) economic development, resource extraction, and building potential in the High North, and (4) new challenges in environmental protection in the Arctic.

A summary evaluation of the roles and capabilities of the Conference and the Standing Committee of Parliamentarians of the Arctic Region, we must inevitably note that while these institutions indirectly enjoy indirect popular legitimacy and a 'social mandate' in Arctic affairs, their role in the Arctic Council is largely limited to that of observers, not inspirers, pacesetters, or commanders. One expression of this relatively weak position is the proposal to organize meetings of the Conference not every two years, but annually, which would allow greater flexibility and clout in its relations with the Arctic Council. The fact remains, however, that relations are sometimes strained, difficult, and hardly congenial, as evidenced in the barring of Senior Arctic Officials (SAO) from participating in the Conference in March 2014 (CPAR 2014). It seems that this is not only a symptom of the 'intergovernmentalization' of cooperation in the Arctic, but also a sign of narrowing possibilities of open debate on the future of the Arctic through the vehicle of the Arctic Council.

The Barents Parliamentary Conference

Although cooperation in the Barents Euro-Arctic Region has developed since 1993 primarily on two levels – intergovernmental (Barents Euro-Arctic Council – BEAC) and inter-regional (Barents Regional Council – BRC) – it also encompasses the interparliamentary dimension, as each BEAC chairmanship organizes a Barents Parliamentary Conference (International Barents Secretariat 2015; Hasanat 2010). Because the chairmanships run on two-year periods, the parliamentary conference takes place biennially. The participants of the Conference can be elected members of local and regional as well as national and indigenous peoples' assemblies in the Barents Region (International Barents Secretariat 2015).

At their meetings, the representatives focus on "topical issues and practical aspects of cooperation for further consideration by national and regional executive bodies" (International Barents Secretariat 2013). These debates are usually concentrated around such topics as: health and social well-being, the rights and traditional livelihoods of indigenous peoples, environmental protection, and strengthened cooperation in the region in the realm of culture, education, and economy (Barentsobserver 2009).

The first meeting of the Barents parliamentarians – called also the Barents Forum – was held in Kirkenes in 1997. Interestingly, although the first conference was organized in 1999 in Alta, the following one was held six years later, in 2005, in Bodø.

During the 6th Barents Parliamentary Conference, which took place in April 2013 in Harstad, Norway, "the parliamentarians decided to include representatives from the Barents parliamentary cooperation in the delegations to the BEAC ministerial meetings and to the meetings at the Regional Council and Committee levels" (International Barents Secretariat 2013). They also recommended that the national and regional governments of the Barents region strengthen the ties between the intergovernmental entities as well as their corresponding parliamentary assemblies and bodies (Barents Parliamentary Conference 2013). This development does not denote any immediate and significant change of position of the Conference in the cooperation structures of the Barents region. It still remains a forum of debate, although in some documents it is also named as one of "the two key forums for Arctic

interparliamentary cooperation" (Thórdarson & Gallagher 2013). Since the Barents region is a sub-region of the Arctic, virtually all discussion taking place during the Conference meetings are relevant for the Arctic. At the same time, without any standing body, the Barents Parliamentary Conference has no formal and working relations with the Arctic Council, and the representatives of the latter are just participants of the conferences.

According to Ari Sirén, former Head of the International Barents Secretariat:

> In spite of the fact that political issues are not dealt with by the Barents Cooperation, a political instrument in the form of biennial parliamentary conferences is nevertheless significant. Taking into consideration the increasing international role of Arctic cooperation the parliamentarians from member states could perhaps discuss Barents-related issues more often. Brainstorming is, after all, needed when coming up with good idea (Sirén 2012).

Conclusions

To summarize the findings and reflections presented in this paper, firstly, there are many differences in the foundations and level of engagement of the four assemblies in cooperation on matters of the Arctic. The institutions in question were formed at different stages of development of Arctic cooperation, while for two of them – the Nordic Council and the West Nordic Council – the Arctic region became only one of many areas of interest, and did not even gain immediate priority when the respective Councils were created. The Conference of Arctic Parliamentarians represents the opposite case, where exclusively Arctic issues were in the spotlight from the outset. The Barents Parliamentary Forum's attention is focused mainly on a part of the European sector of the Arctic region; moreover, its activities have reflected the ups and downs of the Barents cooperation.

This complex situation of the four institutions under scrutiny here has its impact on the differential degrees of activity of the different assemblies with respect to issues affecting the region, as well as their different roles in the Arctic governance system. One interesting feature of all four institutions is their openness to mutual contact, collaboration, and effectively warmer relations. This supports the notion that parliamentary diplomacy in the Arctic is an attractive and dynamic form of regional cooperation that elicits great interest from its participants, with the willing engagement of individual parliamentarians as the glue that binds them together. Finally, out of the four assemblies, only the Standing Committee of the Conference of Arctic Parliamentarians possesses the authority to contribute to the proceedings of the Arctic Council as an Observer; the West Nordic Council is only in the process of petitioning for this status, while neither the Nordic Council nor the Barents Parliamentary Forum seem interested in applying for it.

The varying degree of participation of each of the institutions in Arctic cooperation does not indicate any vital role of the 'Nordic dimension' in ensuring their continued success and activity. What is more, a breakdown of the motivations underlying each institution creates the impression that only the Nordic Council is truly interested in chiseling out common Nordic responses to questions affecting the Arctic. At the same time, it is difficult to estimate the extent to which its resolutions and recommendations have even a marginal, indirect effect on the operations of the Arctic Council. Jointly,

they may constitute a step towards a common Nordic strategy on the Arctic. With respect to the West Nordic Council, it is possible to draw the conclusion that it does not simply promote the 'West Nordic lobby' or detached positions benefiting the West Nordic nations, but rather genuinely protects the interests of its member states in the Arctic. At the same time, in many cases the key areas of operation of these four assemblies with regard to the Arctic are similarly perceived and managed.

In analyzing these four parliamentary assemblies and their cooperation in the Arctic as a proxy for the roles these kinds of institutions play in contemporary international relations, three issues are worth pointing out. First, they are indeed 'messengers' voicing the opinions and interests of publics, and as such, they can ensure the democratic legitimacy of decisions made on a supranational level, often regarding transborder issues. The weight of democratic legitimacy in the overall process, however, is a separate issue. Second, through their familiarity with many pertinent issues from a practical perspective, parliamentarians working in inter-parliamentary institutions can have valuable inputs infused with a unique understanding of international relations, and useful for making optimal decisions. Third, it is in evidence that parliamentary diplomacy is now a mature phenomenon – one inscribed in the mechanisms of contemporary international relations – and its further development may make for an interesting 'counterweight' to inter-governmental diplomacy on the one hand, and different modern-day forms of 'paradiplomacy' on the other.

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Notes

1. For example, an Advisory Expert Committee was established in 2002, comprising Nordic members of the Arctic Council and envoys from the autonomous territories (Nordic Council of Ministers 2015a). Defining the specifics of the Programme and the evaluating its results are the responsibility of the Nordic Working Group on Sustainable Regional Development in the Arctic (Nordregio 2015).
2. The funds allocated by the Programme in 1996 amounted to 1 million Danish crowns; in 2009, it was 8 million; and today it stands at 10 million (Nordic Council of Ministers 2015b). Since 2009, the research institute Nordregio has been in charge of managing the Programmes.
3. This was the case in 2012, during a special session that was held on March 23, in Iceland (Nordic Council 2012). Another debate of this kind took place at the 66th Session of the Nordic Council in late October 2014, in Stockholm (Nordic Council 2014).
4. The Nordic Council has already organized several conferences and seminars on Arctic issues, including "Common Concern for the Arctic" in 2008, "Arctic – Changing Realities" in 2010, and "An Arctic Agenda" in 2011.

5. One interesting example of cooperation among the parliamentary assemblies is the fact that the Arctic Co-operation Programme for 2009 was consulted with the Sami parliaments (Bergman Rosamond 2011: 25).
6. The declaration made by the Second Conference, which took place in March 1996 in the Canadian city of Yellowknife, the tasks of the Standing Committee were to include: (1) monitoring the execution of recommendations and responsiveness of governments and international organizations to the requests of the Conference, (2) observing the process of consolidation of the Arctic Council and ensure an appropriate role and level of participation for parliamentarians in its work, and (3) probing for future forms of interparliamentary cooperation among the Arctic states and reporting on this topic at the following Conference (Conference of Parliamentarians of the Arctic Region 1996).

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Governance of Arctic Offshore Oil & Gas Activities:
Multilevel Governance & Legal Pluralism at Stake

Cécile Pelaudeix

This article analyses the governance process of offshore oil and gas activities in the Arctic with the concept of multilevel governance and legal pluralism to address both issues of management of the environment and public participation. The analysis goes beyond the single issue of fragmentation pertaining to the international and supranational levels, to encompass national and regional levels and evaluate how the interactions between those levels structure the policy process and impact the efficiency of environmental management and public participation.

Four paths of reflection arise from the analysis. First it is unlikely that a dualistic vision opposing a normative option and an enabling option opens new avenues for solutions but the evolution of international law and customary international law deserves attention and a certain level of harmonisation may be welcome, for instance to cooperate efficiently on the prevention of an oil spill and the response to it. A second path relates to the institutional settings and proposes considering the stress lines pertaining to the entanglement of public and indigenous rights and authorities and the consequences at the local level. A third path suggests options pertaining to contract law to not only optimise the operator-regulator interface, but also more generally to offer a stable framework for inclusive dialogue between actors. In the end, the analysis of the rationale for engaging in offshore activities in the Arctic region, from a state perspective and from regional government, indigenous shareholders and corporation perspectives, could be helpful in providing relevant actors with arguments to weigh the decision on seismic and drilling activities in relation to risk acceptance.

The concept of governance, which first emerged in the field of public policy, entered the field of international relations to allow the analysis of decision-making processes in societies as they become more complex, and to highlight the role of non-state actors in the mechanism of political regulation. As a concept underlying the fact that state governments no longer possess a monopoly on legitimate authority, how should the governance of offshore hydrocarbon activities be analysed when states usually retain jurisdiction over these activities? The question is of particular relevance in the Arctic region, which is impacted by globalisation mechanisms including the expansion of international law, which creates obligations on state parties and exercises a normative pressure on non-state parties, and

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which is also impacted by devolution processes to the benefit of territorial governments and other sub-national actors.

The governance of offshore activities in the Arctic has been mainly studied with regard to international law (Johnstone 2015) and the issue of fragmentation (Koivurova & Hossain 2008, Humrich 2013). Fragmentation is defined as "the division of legal systems in various sectors, each of them having its own goal and values that can contradict with other branches of international law" (Koivurova 2014: 7), and the issue has triggered academic debates on the creation of an overarching international regime – the necessity of which the five Arctic coastal states denied in 2008 (Ilulissat Declaration 2008). Various analytical paths have emerged favouring a normative, critical, functional or pragmatic approach of governance (Pelaudeix 2014, Humrich 2013, Young 2011, Koivurova & Molenaar 2009). The aim of this article is to provide an evaluation of governance that goes beyond the single issue of fragmentation pertaining to the international and supranational levels, to encompass national and regional levels and analyse how the interactions between those levels structure the policy process and impact the efficiency of environmental management and public participation.

The Arctic region is characterised by particularly vulnerable ecosystems which are already under pressure of ongoing changes, which include warming and economic development (CAFF 2013), and by the presence of indigenous coastal communities who rely on marine species as a means of subsistence leading to the question of their participation in consultation and decision-making.[1] Indeed, the Arctic region presents huge challenges for offshore exploitation owing to extreme natural-climate conditions (icing, icebergs, ice floes, high winds, darkness), to remoteness of the region from basic infrastructure, and the low sustainability of the region's ecosystems. To properly address the risks of oil spill but also environmental consequences of offshore drilling, there is still a need for increased scientific knowledge, and progress in technology, in particular the modeling of offshore drilling activity, local weather forecasting, observing and monitoring sea-ice and icebergs mobility, oil spill detection in ice-affected waters and oil fate in sea ice (Barber et al. 2014a, Barber et al. 2014b).

While the Arctic is said to hold immense reserves of gas and petrol[2] and while some reserves are depleting in conventional fields – like the Prudhoe onshore field in Alaska, or in the North Atlantic – Arctic states are looking up north for offshore potential, including in the deep offshore. Arctic offshore exploitation has already begun in Norway (Snøhvit field, Barents Sea) and in Russia (Prirazlomnaye field, Pechora Sea), and exploration is taking place in many areas in the US, Canada, and Greenland.

In the present analysis, governance is understood with reference to the definition of the Commission on Global Governance, which characterises governance as "the sum of many ways individuals and institutions, public and private, manage their common affairs. It is a continuing process through which conflicting or diverse interests may be accommodated and co-operative action taken. It includes formal institutions and regimes empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed to or perceive to be in their interest" (Commission on Global Governance 1995: 4).

Offshore governance in the Arctic involves many different actors: states, international law and regional

agreements, territorial governments, advisory bodies, governmental agencies, corporations, organisations representing indigenous peoples and non-governmental associations (NGOs), for instance. The article analyses the governance process to address both issues of management of the environment and public participation. It does not focus on a gap analysis, even though some shortcomings are highlighted. To answer these questions, the analysis also relies on the concept of multilevel governance (MLG). As an analytical tool, MLG allows one to tackle the overlapping competencies among levels of governments and the interaction of various actors (across those levels). Various levels of jurisdiction are involved in the offshore oil and gas activities and the analysis focuses on cases where regional governments are in place – for instance in Greenland, where the government has taken responsibility over offshore activities in the EEZ, or in Nunavut, which has no offshore jurisdiction but where Inuit rights are protected through various mechanisms.

Acknowledging the importance of the legal dimension of governance, the analysis also refers to the concept of legal pluralism which indicates that we inhabit a world of multiple normative communities (Zumbansen 2011; Callies & Renner 2009). Normative communities include the nation-state governments and courts familiar to legal scholars, but many other normative communities articulate norms without formal state power behind them. Indeed, many actors from the private sectors (including transnational corporations) as well as NGOs can also design norms and values in the offshore activities, potentially leading to a situation of legal pluralism where legal systems overlap (Berman 2007). Pluralism is conceived here principally as a descriptive, not a normative, framework to study the interplay of norms, and it does not propose a hierarchy of substantive norms and values (Berman 2007: 1166).

The article is structured in three parts: it first deals with interactions of authorities between the national level (state) on one hand, and the international and supranational levels (international law and the EU) on the other hand. The second part analyses multilevel governance cases involving national and regional (sub-state) authorities. In a third part, the role of non-governmental actors such as companies and NGOs in governance processes is assessed at both international and national levels. The article concludes with suggestions on paths to improve the efficiency of environment management and public participation.

Interactions between national level and international/supranational level

Fragmentation of international law

Offshore activities take place in the EEZ or on the continental shelf of Arctic coastal states, where under UNCLOS states enjoy sovereign rights over resources (article 56 and article 77) and their domestic legislation applies to activities in their own area. These sovereign rights carry with them the duty of due regard for the rights and duties of other states (article 56) and minimum standards to protect and preserve the marine environment (articles 192 and 193). In addition to domestic law, and although no international convention is dedicated to offshore oil and gas activities, many international rules and international or regional agreements apply to the EEZ in the Arctic region when it comes to pollution at sea.

Difficulties arise from the diversification and expansion of international law (Koskenniemi 2006) and this is particularly true for environmental conventions and protocols. When it comes to offshore exploitation, no international agreement with all the Arctic states as parties exist, but international rules and international or regional agreements apply to the Arctic region (e.g. with regard to pollution caused by shipping: MARPOL 73/78, the International Convention for the Prevention of Pollution from Ships and the Polar Code).

This situation leads to the issue of fragmentation of law, geographically or functionally limited treaty systems potentially creating not only gaps but also problems of consistency. The UNCLOS provides applicable legal principles which are fairly general and vague (Koivurova & Hossain 2008), the OSPAR convention for the protection of the marine environment of the Northeast Atlantic covers pollution from offshore sources (article 5), but geographically it only covers the North-East Atlantic (and half of Greenland). It is ratified by three of the European Arctic states (Norway, Iceland and Denmark including Greenland), but Russia is not a party. Another example of the limited duties ascribed to state parties is the International Convention on Oil Pollution Preparedness, Response and Co-operation 1990 (OPRC) which does not require that states meet minimal requirements concerning the positioning and deployment of oil spill equipment and personnel (Byers & Stoller 2013).

The issue of international law and offshore hydrocarbon activities has been well documented (Johnstone 2015, Byers 2013). This includes the issue of ratification – for instance the Espoo Convention that sets out the obligations of parties to assess the environmental impact of activities at an early stage of planning is poorly ratified in the Arctic – or legal uncertainties pertaining to sovereign rights claims (in Svalbard or the Beaufort Sea for instance). I will thus focus on recent treaties.

The Agreement on Co-operation on Marine Oil Pollution Preparedness and Response (2013) signed by the Arctic states and the Faroe Islands under the auspices of the Arctic Council stands as an essential agreement for a coordinated response between Arctic states. It is yet considered a "weak and incomplete response" to the risks associated with Arctic offshore oil (Byers & Stoller 2013) on the grounds that it does not create any new obligations to existing regulations. In addition, the implementation of the agreement is subject to the capabilities of the parties to the agreement and the availability of relevant resources (article 15). A state could thus meet its obligations of due diligence without spending the funds necessary for actual preparedness. Moreover, the outcome of disputes between parties under the agreement is basically unenforceable: indeed, disputes arising between states "shall be settled by direct consultations"; "no weaker provision could have been drafted" (Johnstone 2015: 161).

The adoption of the Polar Code (International Code for Ships Operating in Polar Waters 2015) by the IMO in May 2015 leaves some uncertainties. What happens when the regulation is less strict than domestic norms? For instance, the carriage and use of heavy fuel, which is banned in Antarctica (regulation 43 of MARPOL Annex I) is not banned in the Arctic, where shipping activity has increased in the Northern Sea Route. A recommendation in the Polar Code "*encourages* the application of regulation 43 in Arctic waters" (Polar Code 2014).[3] Norway imposes a ban on the use of heavy fuel oil in some areas around Svalbard (AECO 2015). The new EU Directive (2012/33/EU) as regards the sulphur content of marine fuels[4] follows the MARPOL Annex VI to reduce the transport of heavy

fuels and the sulphur emission from shipping, which harms human health and the environment and contributes to acid deposition. Both rules have different obligations in regional areas: the obligations are not strong in the Arctic area where the Polar Code applies, but are stronger in the North Sea under Directive 2012/33/EU which, on the initiative of the EU is categorised as an Emission Control Area (ECA), whereas the North Atlantic is not an ECA. These obligations regarding the maximum sulphur content of heavy fuel oil and gas are implemented in Danish law.[5]

The coexistence of many regulations results in a very patchy regulatory framework to manage air pollution in the Arctic. But the long-range transport of pollutants is already affecting the region, and recent studies show that sulphur particles not only have a negative impact but also function as a transport container for black carbon in the Arctic (Massling et al. 2015).

Interpretation of law and political settings

In addition to the fragmentation of law, difficulties in managing the environment also arise from differences in the interpretation of law. As indicated with the example of sulphur emission, some Arctic coastal states share their legal authority with the European Union through the Agreement on the European Economic Area (1994) or as members of the Union. The migration of different legal and social norms as well as legal practices across territorial boundaries does have an impact on the governance system. Even though it is specifically designed to have EEA relevance, Norway has deemed that the EU Directive of the European Parliament and of the Council of 12 June 2013 on the safety of offshore oil and gas operations – the Offshore Directive (European Parliament and Council 2013) – does not apply to its EEZ. Norway argues that the EEA does not extend to the EEZ, and that the Norwegian security policy is stricter than that of the EU (The Nordic Page 2013). The deadline for implementation was 19 July 2015.

As an EU member state, Denmark has to transpose EU law in its legislation. The implementation of the Directive on Safety of Offshore Oil and Gas Operations (2013/30/EU) was carried out in Denmark by amending several existing Danish acts, including the Environmental Marine Protection Act.[6] A new Section 34b of the Environmental Marine Protection Act rules on the prevention of major accidents by a public risk management planning. None of these rules cover the marine areas around Greenland (Basse 2014). Greenland has taken responsibility for offshore activities in the EEZ, but has not taken responsibility for the protection of the marine environment beyond its territorial sea. The Agreement on Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic stipulates that Greenland is responsible for responding to oil spills at sea wherever they occur, but only Denmark (and the Faroe Islands) – and not Greenland – has signed this agreement.

More generally, the extent to which EU environmental law covers the EEZ around Greenland should be thoroughly examined (Pelaudeix *in press*). This also includes the strategy for the marine environment which relies on a Directive (2008/56/EC) that establishes a common framework and objectives for the protection and conservation of the marine environment as this directive has been implemented by the above-mentioned Environmental Marine Protection Act – but with only the 2004 version covering Greenland.

Public and indigenous participation: accession, ratification and interpretation

Several international legal instruments are relevant when it comes to public and indigenous peoples participating in consultation processes or decision-making related to offshore oil and gas activities: the UNDRIP and the Aarhus Convention are two of these instruments, and they incite various interests amongst Arctic states. In the Aarhus Convention, which aims at guaranteeing access to information, public participation and access to justice in environmental matters, Denmark made a reservation for Greenland. Whereas the Self-Rule government of Greenland has competences over the development of natural resources, and whereas the content, form and practice of consultation processes are criticised in Greenland (Olsen & Hansen 2014), this reservation was questioned in the Greenlandic Parliament. The Self-Rule government consequently commissioned a report to assess the conditions under which Greenland could accede to the Convention. A 199-page report was submitted to the government of Greenland in May 2014 and should be presented to the parliament. In June 2014, the government of Greenland proposed amendments to the 2009 Mineral Resources Act in order to reduce public access to documents for the purpose of making decisions pursuant to the Act. Finally, after much concern in Greenland about the issue, the restriction of access has been removed from the proposed amendments on pre-consultation and consultation.

Canada endorsed the UNDRIP in 2010 and announced it would do it "in a manner fully consistent with Canada's Constitution and laws" (Canada 2010). This conditional endorsement has been critically analysed by legal scholars as being inconsistent with the principle of good governance; Joffe deems it undermines the status of this vital instrument and prevents its application whereas the "Declaration can be effectively used in litigation in Canadian courts" (Joffe 2010).

Recently, a case was brought before the Supreme Court of Canada regarding seismic tests in Nunavut. The Hamlet Council of Clyde River, its Mayor and the Hunters and Trappers Organization-Clyde River tried to reverse a 2014 National Energy Board (NEB) decision to allow a consortium of three seismic companies[7] to survey in Baffin Bay and Davis Strait, to determine if there is any potential for oil and gas extraction (Federal Court of Appeal 2014). The plaintiffs argued that seismic tests could impact upon marine mammals which the Inuit rely on for subsistence.

The rights of indigenous peoples are protected in Canada in the Constitution and through court decisions, as developed further in the second part of the article dealing with interactions between the federal and territorial level in Nunavut. In the case of Clyde River, the judge, who did not cite the UNDRIP, concluded on the issue of consultation that the Crown had fulfilled its duty to consult and the consultation was properly conducted: "The consultation process does not dictate a particular substantive outcome. Thus, the consultation process does not give Aboriginal groups a veto over what can be done with land pending proof of their claim. Nor does consultation equate to a duty to agree."[8] The judge dismissed the application for judicial review.

By contrast, the UNDRIP contains provisions on reaching the consent of indigenous peoples. Article 19 indicates that the consultation should result in a "free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them." Some legal scholars deem that due to the normative pressures from the international community, the non-consideration

of UNDRIP might change. Koivurova and Stepien (2011) are of the opinion that "the Canadian position that the UN Declaration does not codify customary international law will be called into question".

This first part of the article has shown that not only legal fragmentation but also legal interpretation is at stake, and that the effective implementation of existing regulations and norms is challenging. The next part deals with the interactions between national level and regional level, where legal pluralism and multi-level governance are at stake in the governance of offshore oil and gas activities.

National and regional levels

Aboriginal self-government as a means to institutionalize an Aboriginal voice in the Canadian federal system can create complex government arrangements (Rodon 2014). Multi-level governance in the Canadian territories involves several jurisdictions (local, territorial/provincial and federal). Inuit rights are well-anchored in Canadian law, in the Constitution under section 35(1) of the Constitution Act which recognises the existing Aboriginal and treaty rights of the Aboriginal peoples of Canada, through Supreme Court decisions according to which the Crown has a duty to consult (Haida and Taku River decisions in 2004, the Mikisew Cree decision in 2005, and in the more recent decisions of Rio Tinto and Little Salmon Carmacks 2010).[9] Inuit rights are also protected through settled land claim agreements which are treaty based. The Nunavut Land Claims Agreement (NLCA) for example provides in its preamble that the parties agree on the objectives "to provide for certainty and clarity of rights to ownership and use of lands and resources and of rights for Inuit to participate in decision-making concerning the use, management and conservation of land, water and resources, including the offshore" (NLCA 1993). The territorial government of Nunavut is negotiating a devolution agreement for land and resources management with the federal government: the federal government has full jurisdiction of land and resource development in Nunavut, but the Crown has a duty to consult.

Still in 2010, the Qikiqtani Inuit Association (QIA) brought a case before the Court to stop seismic tests in the Lancaster Sound because of the major potential impacts on the marine mammals that Inuit rely on for subsistence. The QIA is a regional association affiliated with Nunavut Tunngavik Inc. (NTI), the legal representative of the Inuit of Nunavut, a non-profit corporation established to ensure that the NLCA is fully implemented by the government of Canada and the government of Nunavut. The QIA has authority to commence actions on behalf of the beneficiaries of the NLCA. The seismic tests were approved by the federal government and the territorial government, the latter through two agencies, the Nunavut Research Institute and the Nunavut Impact Review Board**.** The QIA alleged that the federal government and the government of Nunavut failed to meet their constitutional and common-law duties to consult. The judge of the Nunavut Court of Justice reminded the court that the duty to consult does not mean a duty to reach an agreement or a veto right on government decisions (Nunavut Court of Justice 2010). She considered that at this stage the true nature or the value of the consultations that did take place could not be determined – but that there were serious issues to be addressed. Even so, the injunction stated that the potential for significant harm that the testing posed to the Inuit was greater than the losses that would be incurred if the injunction was granted and the testing was not completed as scheduled (Nunavut Court of Justice 2010).[10]

In 2015, five years later, another case, as mentioned in the first part of this article,[11] was brought before the Federal Court of Appeal, and the ruling resulted in a different decision. In the first part of the article I raised the issue of the application of UNDRIP in answering the issue of the requirement for adequate consultation in that particular case. Another issue, out of a total of four, was addressed in this case: do the applicants have the standing to bring the application? If one connects this issue with domestic law, it can be related to the interactions between national (federal) and regional (territorial) level, and the empowerment of public and ethnic local institutions. The lawyers for the consortium, as well as the Crown, argued against the applicant's right to file the legal challenge, suggesting it should instead have been filed on their behalf by a regional or territorial *Inuit* association which enjoys specific rights under the Nunavut Land Claims Agreement (Rogers 2015). The lawyer representing the companies claimed that none of the applicants were granted collective rights under the Nunavut Land Claims Agreement, and that none of them had the right to be consulted (Rogers 2015).

Interestingly, on the issue of public standing the judge concluded that HTO-Clyde River had a real stake and genuine interest in the issues and should be granted public interest standing. The judge did not consider the case of the hamlet of Clyde River (nor the case of its mayor), considering it sufficient that one of the applicants had the standing to assert issues relating to Aboriginal or treaty rights[12]; she explained that had she found it necessary to decide on the Hamlet public interest, she would have seen relevant to consider that while the respondents rely on the participation of the applicants to claim that the consultation was a robust one, on the other hand they deny them the right to challenge the Decision. As explained in part 1, the case was lost: the judge ruled that consultation processes were adequately conducted.

These two cases illustrate the difficult process of implementation of Land Claims Agreements *and* the complex governance setting in Nunavut, where the public government (the government of Nunavut) and an Inuit organisation (Nunavut Tunngavik Inc.) are both involved in the governance of the territory, a situation which has been characterised as a horizontal governance system (Loukacheva 2007; Rodon 2014) creating the potential for conflict in various areas. This is the case in the offshore hydrocarbon resources area where public authority at the federal and regional level and indigenous organisations are involved in the governance process. In these arrangements, various interests but also legal systems interact, pertaining to the rights of indigenous peoples, constitution law and administrative law, civil law, realising vertical but also horizontal legal pluralism, and contributing to a complex governance setting of offshore oil and gas activities.

It remains to be seen what could be the empowerment of the local level in the issues of the impact of offshore activities when claims are based upon Aboriginal or treaty rights. The judgment of HTO-Clyde River, Clyde River v. Canada did not answer the question of whether the hamlet, whose purpose according to the Hamlet Act includes providing good government and developing safe and viable municipalities, had standing in an application. According to the current governance system, the legitimacy of an Inuit organisation (like the QIA) to oppose a public government decision appears to be stronger than a local public administration (the Clyde River Hamlet). This sheds light on the decision of the Nunavut Association of Municipalities to support the Clyde River Hamlet and pass a resolution to call on the governments of Canada and Nunavut to respect the local council and its

concerns over marine development (Varga 2014). Meanwhile, the federal government has started a public comment period to gather experiences and learn the views of Aboriginal groups, federal, provincial and territorial officials and industry stakeholders about the duty to consult to help Canada improve the way the federal government manages consultation processes (Aboriginal Affairs and Northern Development Canada 2014).

A multi-level governance setting can create the conditions for legal pluralism. This is the case in regions where the devolution of power is granted to accommodate indigenous people rights. Under the Act on Greenland Self-Government, a number of policy areas have been transferred from the Kingdom of Denmark to the government of Greenland. The Act also lays down which matters can be taken over by the Greenlandic authorities (Mortensen 2013). This is the case in the area of mineral resources, which was taken over when the Self-Governmental Act was passed. As Greenland has been granted self-government pursuant to the people's right to self-determination, it is nevertheless a public government. Anyone born in Greenland is considered a Greenlander.

The regulations related to mineral (including oil) resources do not contain any specific provision or protection of indigenous rights: "With the authorities of the Greenland Self-Government having assumed full responsibility for mineral resources, there is no longer any need to have special rules concerning the right of indigenous peoples" (Vermont Law School Institute for Energy and the Environment 2011: 18). In Greenland, where the land cannot be considered an individual property, this comes with some challenges. Aqqaluk Lynge, former President of the Inuit Circumpolar Council, emphasised in 2009 the growing gulf between the political discourse of Greenland leaders and the social and environmental realities (Lynge 2009). He invoked the founding texts of international law in this area, starting with the International Convention on the Elimination of All Forms of Racial Discrimination (1965), and continuing to the United Nations Declaration on the Rights of Indigenous Peoples (2007) in order to hold the government to its duty to obtain a free agreement from the affected communities concerning all initiatives and projects for development.

Offshore exploration can take place in areas where the hunters are of the opinion that customary rights exist, areas with hunting or fishing rights held by specific individuals whose identity they know thanks to oral accounts (Olsen 2014; Brøsted 1986). These customary rights have not been translated into law and they are not accepted by the acts passed by the Greenlandic government. In addition, the Western conception of land property relying on a strict delineation of a geographical area is at odds with the traditional Inuit conception of ownership which is rather a user right and custodianship that comes with social responsibilities, and is very often flexible depending on the resources move, e.g. mammals or fish (Dahl 1998). Until Home Rule, management of the land followed customary rules of the community, a situation that changed dramatically with the introduction of Home Rule, and a centralised (Nuuk-based) authority disconnected from territorial social control (Dahl 1998).

Various legal orders are at stake in Greenland: the indigenous legal order (which is not necessarily monolithic, and which is made of social norms and relies on a community-based control), and the self-rule legal order which borrows some features both from a former colonial order (a centralised authority) and from Inuit culture (no individual property). As Usher writes, "there is a crucial distinction between common property in the state system and communal property in the indigenous

system" (Usher 1987: 6). No special rules for indigenous peoples govern the consultation processes, whose content, form and practice are already being criticised in Greenland, as mentioned in the first part of the article (Olsen & Hansen 2014). Such legal pluralism also creates uncertainties when it comes to compensation rights. In case of an oil spill in Greenland, it is unclear how hunters without a licence (when their income from hunting is less than 50% of their gross income) could get compensation rights.[13]

Non-governmental actors interacting with states and international regimes

Strong private actors (multinational and transnational, as well as national and local companies) can design norms to manage offshore activities. Approaches to regulation can be characterised as either prescriptive or as performance-based (goal-based) (DNV-FNI 2012, Baker 2012). Many regulatory regimes for offshore drilling include elements of both approaches. A prescriptive approach, which is how the US approach is mainly designed, gives a fixed check list of things that must be done to meet a statutory requirement. Performance-based or goal-based regulations identify outcomes, but allow companies considerable flexibility to determine how they will proceed. The EU Offshore Directive advocates the goal-setting approach that was first adopted by the North Sea countries.

With the use of a goal-setting approach in the regulation, companies are required to continually demonstrate that they are taking measures to minimize the risk of oil and gas releases to as low a level as reasonably practicable. Such an approach enables companies to adapt their management to new and safer standards without having to wait for the legislation to incorporate such standards (DNV-FNI 2012: 21; Dagg et al. 2011). This regulatory design raises the issue of corporate social responsibility (Mikkelsen & Langhelle 2011). Indeed, the failure to adequately manage risks, as assessed in the Kulluk rig case (United States Coast Guard 2012), could have disastrous consequences. Some observers deem that the real effect on behaviour does not lie in the regulations themselves, but in the way in which the meeting of the goals regarding minimization the risks established by the regulations can be met to avoid what Carson identified as an "institutionally tolerated non-compliance" (Carson 1981). In this perspective, it is important to note that some normative authorities as well as advisory bodies are not necessarily prone to accept such tolerance.

In Canada, the National Energy Board remains the regulator of oil and gas activities offshore, operating under existing federal legislation and with quasi-judicial powers, and the rights and privileges of a superior court, as established by the National Energy Board Act: its decisions are all enforceable in law.[14] This applies to all offshore hydrocarbon activities in Canadian territories, even when a devolution agreement on resources development has been established.

The situation in Greenland is different, because here an advisory agency, the Danish Center for Environment and Energy (DCE) – the former National Environmental Research Institute (NERI) at Aarhus University – provides consultancy services to the Greenlandic government, i.e. to the Environment Agency for Mineral Resources Activities in connection with the production and transportation of minerals and petroleum in Greenland. DCE provides recommendations. The Environment Agency for Mineral Resources Activities cooperates closely with the DCE to implement the provisions of the Mineral Resources Act stating that assessments and decisions of the Mineral

Resources Authority regarding environmental issues must be based on assessments and proposals for decisions from one or more scientific and independent environmental institutions (Government of Greenland 2013). This includes the preparation of strategic environmental impact assessments, the drafting of guidelines for environment impact assessments (performed by the licensee), and the examination of the EIA before they are put out to public consultation and final approval by the government of Greenland (Government of Greenland 2014: 27). In addition, the DCE works as a consultant for the inspection regarding compliance with the environmental requirements for drilling operations (Government of Greenland 2012: 20). It is true that compliance is not always achieved: the quantity of chemicals used by Cairn as a lubricant in its drilling campaign in Greenland has been highly criticised *a posteriori* by the DCE which found such practice in contravention with international agreements [OSPAR] on discharges to the marine environment (the "anti dumping convention"). In addition, transportation of the discharged chemicals over great distances by ocean currents is possible, and the fate of the chemicals is unknown (DCE 2012).

This situation has led some scholars to address the question of governance through a focus on the contract between a public authority, which has monitoring rights and duties, and a licensee who will also establish subcontracts with other companies. It has been shown that governance mechanisms for handling complex procurements involving several actors (incentives, authority and trust) complement each other: and furthermore that there is a complex interplay between the specific uses of the different mechanisms with a multiplier effect (Olsen et al. 2005). Debates also question the nature of the licence: is it a contract (private law), or is it public law? To what extent does the design of a licence pertaining to contract law allow for more powerful leverage in terms of the enforcement of terms and the protection of the environment? What is the potential of relational contracts (emphasising long-term relations, and obligations such as commitment and loyalty) *versus* transactional contracts (which focus more on short-term competitiveness and effectiveness) in the offshore industry to overcome the issue of increased risks through subcontracts and ensure the effective fulfilment of monitoring duties? Developing knowledge in this area could open new perspectives when the governance of offshore oil and gas activities involves an increasing number of actors.

Even though they are non-state actors with few formal powers over international or national decision-making, non-governmental organisations such as the Inuit Circumpolar Council and the WWF actively promote norms, be they environmental or related to human or indigenous rights. As another example of legal pluralism, the ICC has contested the sovereignty as defined by the Arctic coastal states in the Ilulissat Declaration (2008) and has provided an "Inuit Declaration of Sovereignty" which states that: "Sovereignty is a contested concept […] and does not have a fixed meaning. […] Sovereignties overlap and are frequently divided within federations in creative ways to recognize the right of peoples" (Inuit Circumpolar Council 2009). In this declaration, the ICC associates the notion of a territory ("Inuit Nunaat") and of a people, with a different notion from that of authority, which is traditionally used for states: instead, the ICC associates the notion of Inuit people and territory with the notions of "rights and responsibilities." The ICC founds the legitimacy of its sovereignty on the notion of self-determination that is granted to indigenous peoples through international law (UNDRIP 2007): "Issues of sovereignty and sovereign rights must be examined and assessed in the context of our long

history of struggle to gain recognition and respect as an Arctic indigenous people having the right to exercise self-determination over our lives, territories, cultures and languages."

The ICC requires that Inuit be partners of states, industry and other actors, and also requires that Inuit land claims and self-government agreements be respected. In accordance with this goal, the ICC launched in May 2011 a Circumpolar Inuit Declaration on Resource Development Principles in Inuit Nunaat (Inuit Circumpolar Council 2011), defined in an official communication as "Inuit homeland" (Inuit Tapiriit Kanatami 2011). This declaration mentions the UN Declaration on the Rights of Indigenous Peoples as the basis for further progress. With these declarations, the ICC is contributing to the formation and diffusion of norms and values that are expected to compete with the traditional conception of state sovereignty, characterising a situation of legal pluralism. Through its status of Permanent Participant at the Arctic Council, the ICC also enjoys a strong position in an inter-governmental forum that results in the chance to form better coalitions with all the policy actors in the Arctic and to influence the projects conducted in the working groups of the Arctic Council, as well as the design of the Arctic Offshore Oil and Gas Guidelines (PAME 2014, Koivurova 2011).

As an Observer to the Arctic Council, the WWF is an environmental organisation that also contributes to the formation and diffusion of norms in order to have an impact on the outcomes of policy-making. The WWF constitutes a science-policy interface through the commission of scientific reports on issues such as the management of the Arctic Ocean, or (very recently) on marine fuel alternatives for use in the Canadian Arctic, in order to promote new norms for government and industry to consider and to contribute to higher and stricter standards than those included in the Polar Code, which has just been adopted without banning the use of heavy fuel in the Arctic (Vard 2015). As an Observer of the Arctic Council, and the only circumpolar environmental NGO, the WWF actively takes part in working groups meetings to promote the protection of Arctic biodiversity and the sustainable use of natural resources to influence governmental policies.

Conclusion

This article has analysed the governance of offshore oil and gas activities in the Arctic with an approach relying on the concepts of multi-level governance and legal pluralism. It shows that in order to identify paths to increase efficiency in environmental management and public participation, it is useful to take into account the interactions of the various levels of governance involving actors with diverse interests, authorities and cultures.

First, the interactions between the international and national levels show that if the current state of governance of offshore oil and gas activities in the Arctic is characterised by an expansion of international law leading to fragmentation and problems of consistency, more issues are at stake which also hinder the efficiency of environment management and public participation and which pertain to the interpretation of law. States can manoeuver with the regulation of various aspects such as air pollution or pollution at sea (e.g. the use of heavy fuel in the Polar Code, or in the regulations in the North Atlantic), safety and liability rules (incorporation of Directives in national legislation), indigenous peoples rights (UNDRIP), and access to information (Aarhus convention). In this context, the Agreement on Co-operation on Marine Oil Pollution Preparedness and Response, a binding

agreement signed under the auspices of the Arctic Council, offers a useful framework for coordinated response to oil spill; but in addition to not being enforceable, it does not place many duties on the parties. Even so, the Arctic Council plays an important role in discourse-shaping and in the promotion of values and standards of best practices.

Second, when it comes to national and regional levels, two main features have been highlighted. First: the entanglement of indigenous and public rights and authority. Both governments in Greenland and Nunavut are public, but very diverse settings are in place. Nevertheless, in both cases devolution happens to be implemented at the expense of the local level. The entanglement of indigenous and public rights and authority constitutes a source of tension in political relations, observed both in Nunavut and in Greenland, and it also generates inefficient processes of decision-making resulting in high court costs for Nunavut.

Third, as far as non-governmental actors are concerned, the WWF and the ICC, through their respective statuses in the Arctic Council, have the opportunity to play a constructive role in raising awareness on important issues and producing scientific reports. As for corporations, they play a crucial role in the governance of offshore hydrocarbon activities, especially when the goal setting approach is favoured in the regulation, thereby raising the issue of corporate social responsibility. In this context, regulatory and advisory agencies enjoy very different degrees of leverages. In both cases regulation is not the be all and end all, and the issue of enforcement remains central as activities take place in remote areas lacking infrastructure (for instance the disposal of drilling wastes onshore when this is possible) and in a harsh environment.

What path of reflection lies ahead? Taking into account the interconnection between the three levels definitely calls for a comprehensive understanding of governance of the offshore sector. Four paths of reflection arise from our analysis.

First, it is unlikely that a dualistic vision opposing a normative option and an enabling option opens new avenues for solutions. If normativity alone is definitely not a solution, still the evolution of international law and customary international law deserves attention and a certain level of harmonisation may be welcome, for instance to enable states with different norms to cooperate efficiently on the prevention of an oil spill and their response to it (Baker 2012). Further research could focus on a comparison between the governance approaches of Canada and Greenland/Denmark, as Canada and Denmark signed an Agreement for Cooperation Relating to the Marine Environment in 1983, and have a 3,000-kilometre maritime border.

A second path relates to the institutional settings and proposes considering the stress lines pertaining to the entanglement of public and indigenous rights and authorities and the consequences at the local level. It is to be expected that with conflicting interests between local populations on the one hand, and corporations (where indigenous peoples may also have shares in some regions) and regional/national governments on the other hand, the development of offshore resources will lead to an increase in the number of cases ending up in court.

The third path to enhance efficiency in both environmental management and public (including indigenous) participation bears a more procedural feature. As enforcement appears crucial, some

options pertaining to contract law may not only optimise the operator-regulator interface and ensure the effective performance of monitoring, but also more generally offer a stable framework for inclusive dialogue between actors and develop a culture of trust, in particular in terms of risk acceptance. This is what relational contracts emphasise: long-term relations and obligations such as commitment and loyalty.

In the end, the analysis of the rationale for engaging in offshore activities in the Arctic region, from a state perspective (e.g. energy security), and from regional government, indigenous shareholders and corporation perspectives, could be helpful in order to shed light on the current governance settings but also to provide relevant actors with arguments to weigh the decision on seismic and drilling activities in relation to risk acceptance.

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Notes

1. For a discussion on the influence of international law on national policy and law related to indigenous peoples in the Arctic, see Koivurova and Stepien, 2011.
2. In 2008 the US Geological Survey estimated the reserves would amount 13% of the undiscovered reserves of oil and 30 % of the undiscovered gas reserves (USGS 2008).
3. Our emphasis. Polar Code, Part II-B, Article 1. Regulation 43 of MARPOL Annex I applies to Antarctic waters and prohibits the carriage in bulk as cargo, or carriage and use as fuel, of heavy fuel. http://www.imo.org/MediaCentre/HotTopics/polar/Pages/default.aspx
4. EU Directive 2012/33/EU amending the Sulphur Directive (1999/32 as amended by Directive 2005/33/EC).
5. Statutory Order no. 640 of 12 June 2014 on the Content of Sulphur in Solid and Liquid Fuel.
6. Act no. 1499 of 23 December 2014.
7. TGS-NOPEC Geophysical Company ASA, Petroleum GeoServices and MultiKlient Invest AS.
8. At paragraph 47.
9. In the Rio Tinto and Little Salmon Carmacks decisions, the Supreme Court of Canada has further explained that the duty to consult is a constitutional duty.
10. The legal argument for the injunction relied on the Supreme Court of Canada's 1997 Delgamuukw decision, which acknowledged an inherent aboriginal right to land, plus the two rulings (Haida in 2004 and Mikisew in 2005) which require the Crown to consult first nations even if a treaty is settled.
11. Hamlet of Clyde River, Nammautaq Hunters & Trappers Organization – Clyde River, and Jerry Natanine versus TGS-NOPEC Geophysical Company ASA (TGS), Petroleum Geo-

Services Inc. The applicants tried to reverse a 2014 National Energy Board (NEB) decision to allow a consortium of three seismic companies to survey in Baffin Bay and Davis Strait.

12. At paragraph 25.
13. Compensation could be based on the liability rules that are decided by Danish law on liability. See also Johnstone 2015, 90.
14. The NEB has the powers to regulate, make decision on licensing and judicial powers, but it is possible to bring a case before the Federal court of Appeal as mentioned in the two first parts of the article.

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Large-Scale Disaster Response in the Arctic: Are We Ready?

Lessons from the Literature on Wicked Policy Problems

Rebecca Pincus

The cruise liner Crystal Serenity plans to conduct a cruise from Alaska to New York in August 2016. This will be, by far, the largest commercial cruise transit of the Northwest Passage ever attempted. The journey raises questions about the capacity of governments to respond to a large-scale environmental or human disaster in the Arctic maritime realm. Mass rescue operations in the Arctic are technically complicated by the extreme cold and enormous distances present in the region, and operationally complicated by governance challenges, including multiple and overlapping jurisdictions, networks of responders, and state-to-state variations in capacity, commitment, and funding schemes for disaster response.

The challenges of disaster response policy in the Arctic make this issue a "wicked" policy problem. Wicked policy problems pose special challenges to policymakers. This class of public policy problems involves a diversity of stakeholders holding varying interpretations of causes and solutions, and is closely interconnected with many other problems. The theory and literature that have developed around wicked problems offer a number of lessons about how actors and networks address these complex governance challenges.

This paper will address the challenge of effective disaster response in the Arctic, using the analytic framework of wicked problems. First, the wicked aspects of disaster response in the Arctic will be analyzed, using the Crystal Serenity as a case study; second, lessons from the literature that identify strategies for managing wicked problems will be identified; finally, the paper will draw practical conclusions about readiness in the Arctic.

Introduction

On August 16, 2016, the *Crystal Serenity* will depart Seward, Alaska, en route to New York City. The cruise liner will turn north, pass through the Bering Strait, and bear east through the Chukchi and Beaufort Seas before entering Canadian waters and the Northwest Passage.[1] With nearly 2000 individuals aboard (passengers and crew), this will be the first large cruise liner to transit the Arctic. The next-largest transit, just a quarter of the size of the *Crystal Serenity*, was made in 2012 by *The World*,

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which carried 508 passengers and crew (George 2012). The transit naturally raises questions about the availability and capacity of response services in the region, particularly those capable of responding to large-scale incidents.

Outside of the Nordic area and some areas proximate to Russian ports, there is little infrastructure in the Arctic to support large-scale emergency response. As a result, any response will likely be delayed by the time required to transfer assets: by ship, air (fixed or rotary-wing aircraft), or surface transport. In addition, the scarcity of infrastructure will complicate this process. There are few ports in which to dock and unload ships; few airfields at which fixed wing aircraft can take off and land; few roads; few facilities that can serve as centralized coordination points for crews and equipment; few hospitals; and few hotels or other mass housing facilities.

Without infrastructure, the challenge of large-scale emergency response is magnified. The Arctic Council's 2009 Arctic Marine Shipping Assessment (AMSA) noted concisely that, "growth in Arctic marine tourism is outpacing infrastructure investment, development and support throughout the region" (AMSA: 172). Additionally, further complications arise from the nature of the Arctic region itself: intense cold, extreme weather, and rapid shifts in conditions add risk and delay. Paradoxically, the extreme conditions that hamper response efforts increase risk of mortality through exposure, increasing the urgency of response. In short, emergency response in the Arctic is both extremely important, given the harsh environment, and also extremely challenging, due to distance, conditions, and lack of infrastructure.

As ship and air traffic increases, governments are confronted with a policy problem: how to increase emergency response capacity in order to satisfy public need. At first glance, this might seem like a fairly straightforward policy problem: identify the problem (lack of adequate emergency response capacity); identify various options (different locations for infrastructure, funding mechanisms, implementing agencies); select the best option; and implement. All students of public policy will recognize this model.

However, upon closer scrutiny the question of improving emergency response capacity across the expanses of the North American (including Greenland) and Siberian Arctic regions is far more complex and difficult than a typical policy problem. This paper will argue that the challenge in fact comprises a "wicked" policy problem, and will apply lessons from the theoretical literature on wicked problems to explore more fully the challenge of emergency response in the Arctic region.

Wicked problems: theory and literature

The challenge of managing the increase in human activity in the Arctic can be understood as a "wicked" policy problem. Wicked policy problems pose special challenges (Rittel & Webber 1973; Roberts 2000; Bueren, Klijn, & Koppenjan 2003). A wicked problem seems to be endless, and endlessly difficult to define: "it is experienced as ambiguous, fluid, complex, political, and frustrating as hell. In short, it is wicked." (Roberts 2000: 2). Wicked problems proliferate across the policy spectrum, since by nature they challenge many public policy structures. Wicked problems are "cross-cutting", and therefore difficult to address through "narrow, vertical" arrangements found in

governmental agencies (Ferlie et al 2011). Frameworks and theory of wicked problems have been applied to a diverse array of policy areas, including publicly financed dentistry (Quiñonez 2012), human tissue in medicine (Lewis 2008), and maritime security in Southeast Asia (Bateman 2011). This sampling indicates that wicked problems are found wherever there is "chronic policy failure" (Ferlie et al 2011).

Wicked problems, as Dryzek implies, are often found "at the intersection of ecosystems and human social systems", where the complexity of each system further challenges comprehension and effective management (Dryzek 2005: 9). The effects of global-scale changes like climate change or economic globalization may lead to wicked problems in which processes and actors at local scales are influenced by global-level changes beyond their control (Chapin et al 2008). Wicked problem theory has frequently been applied to human-environmental issues, including eutrophication (Thornton 2013), Alaskan wildfires (Chapin et al 2008), coral reef protection (Hughes, Huang & Young 2013), and the Yellowstone National Park (McBeth & Shanahan 2004; McBeth et al. 2010).

There are several ways of unpacking the complex nature of wicked policy problems. Although frameworks differ, the underlying elements of wicked problems are repeatedly identified. Wicked problems are hard to know: information may be inadequate, problems may be continually evolving, and the problem may seem like a "black box", without clear connections between contributing factors and resulting effects. Furthermore, the number and diversity of actors involved in wicked problems means that these problems are hard to manage: different actors may understand and define problems differently and desire different approaches. Given this complicated group of stakeholders, wicked policy problems demand careful management in order to minimize conflict and/or stalemate, and ensure that all actors are working together in a coordinated effort to manage the problem through time. The temporal aspect of wicked problems is important: since they can never be solved, creating structures to manage wicked problems over time may be an effective strategy. The following section will examine several different frameworks by which wicked problems can be understood.

Rittel and Webber's foundational work on the subject (1973) laid out ten "distinguishing properties" of wicked problems: there is no definitive formulation of a wicked problem; wicked problems are never solved; solutions are not true/false, but good/bad according to stakeholders; solutions to wicked problems will create "waves of consequences" that cannot be traced in advance; therefore, every solution is a "one-shot operation" and is "consequential"; there is also no "enumerable" set of potential solutions; every wicked problem is "essentially unique"; it can be considered a symptom of another problem; it can be explained in numerous ways; and given these stakes, policymakers seeking to address wicked problems have "no right to be wrong" (161-167).

Weber and Khademian (2008) identify three aspects: the unstructured, cross-cutting, and relentless characteristics that distinguish tame from wicked problems. Wicked problems are "unstructured": causes and effects are difficult to distinguish and the problem is dynamic, creating a constantly moving and evolving target. They are also "cross-cutting": involving a multiplicity of stakeholders, knowledge sources, and perspectives, and therefore containing a high probability of conflict. Wicked problems are "relentless": there is no final resolution to the problem, so the best outcome policy managers can

hope for is the development of a long-term problem solving or management capacity (Weber & Khademian 2008).

Van Bueren, Klijn and Koppenjan (2003) point to three types of uncertainty that characterize wicked problems: cognitive, strategic, and institutional uncertainty. Cognitive uncertainty reflects the basic lack of technical knowledge about the "causes and effects" of wicked problems, and also about the causal relationships between issues involved (van Bueren et al 2003: 193). Strategic uncertainty grows out the number of actors involved, who have differing perceptions of the problem, differing solutions, and therefore differing strategies for engaging with the problem. These differences can lead to conflict, stagnation, and potentially unexpected outcomes (van Bueren et al 2003: 193). Institutional uncertainty is a result of the "highly fragmented" institutional setting in which wicked problems are addressed. Decision-making is distributed across a variety of institutional arenas. "Often, decisions are only loosely coupled and sometimes not at all" (van Bueren et al. 2003: 194). Given these conditions, "dealing with wicked problems is—to a large extent—a problem of interaction" (Ibid).

Wicked problems are frustrating, complex, and pose special challenges to policymakers. They challenge assumptions about rational and logical approaches to addressing public policy problems.

Arctic emergency response: a wicked problem

All of the characteristics discussed previously as distinctive of wicked problems are in ample evidence in the maritime Arctic realm. Although May et al. (2005) use the label "policy incoherence", much of their analysis also characterizes wicked policy problems: they note the uncertainty and "limited shared basis for constructing definitions of problems" in the Arctic (2005: 4). The fundamental difficulty in the Arctic is twofold: responding to a rapidly warming regional climate and simultaneously managing an increase in human activity. Change is cascading through both human and environmental systems in the Arctic region, and the difficulty of managing and adapting to these changes is therefore significantly more challenging. The realm of emergency response is perhaps the most pressing challenge facing governments in the North American and Siberian regions of the Arctic, where increased human activity is occurring in the absence of fully developed infrastructure.

Although the policy solutions to inadequate emergency response infrastructure may appear simple—build infrastructure and increase staffing—this simplicity is deceptive. Construction and maintenance of infrastructure in the far North is complicated by the extreme climate, which requires special materials, techniques, and maintenance. These considerations multiply costs considerably. Seasonal limitations on construction exist. In addition, the costs of transporting construction materials to remote Arctic locations are significant. For example, while the price of a gallon of gas in the "lower 48" of the US was around $2.50 during April 2015, in Barrow, Alaska, it was approximately $7.00. While infrastructure development is a costly undertaking in any circumstance, the enormous additional costs of Arctic development pose challenges for policymakers.

Compounding the extreme cost of infrastructure development for emergency response in the Arctic is the uncertainty associated with ship traffic. If policymakers commit to public spending now in order to improve emergency response, and traffic does not increase, the money will be seen as going to

waste. Conversely, if policymakers delay spending until traffic has increased to a level that demands enhanced response capacity, there is a chance that the spending will come too late—that a large-scale human or environmental disaster will occur, and the responsible government will be perceived to have failed.

This dilemma can be described in terms of two hypothetical scenarios involving the *Crystal Serenity*. In the first case, the US or Canadian government decides to enhance emergency response in order to develop the capacity necessary to respond to a large-scale human disaster in the Arctic. This requires the expenditure of large sums to build deep water ports, airfields, hangars, communications, storage facilities, bases, and housing in remote Arctic communities, as well as staffing, equipment, and support services for these facilities, all of which are unavailable for other spending priorities farther south. The transit of the *Crystal Serenity* is uneventful, and the large expenditures are criticized as wasteful and misguided. In the second case, policymakers consider the overwhelming probability of a safe transit, and do nothing to enhance response capacity. An incident occurs, and the government is attacked for abdicating its responsibility.

Table 1: Policy dilemma: increase SAR capacity or not?

	No incident	Serious incident
Enhance capacity	X	✓
No additional capacity	✓	X

Beyond the immediate considerations of the *Crystal Serenity* lies the even thornier question of future passenger vessel traffic in the North American Arctic. Will more cruise ships follow the *Serenity*? How many? When? These difficult questions all shape policy solutions to the problem of emergency response in the Arctic region.

At the crux of the problem lies that fact that large-scale cruise ship disasters are vanishingly unlikely, but have devastating consequences—and these consequences are magnified in the Arctic. While it is very probable that the *Crystal Serenity*'s transit will be uneventful, regular reports of incidents involving cruise ships remind us that prevention cannot be a perfect cure. Furthermore, the regular incidence of large ferry disasters that kill many people, generally in developing countries, is a reminder that progress must continue to be made on maritime safety globally.[2]

In both 2011 and 2013, Carnival cruise ships experienced fire and engine failure. In 2010, 400 passengers aboard the *Celebrity Mercury* contracted norovirus (Cline 2013). Famously, the *Costa Concordia* ran aground in the well-charted waters of the Mediterranean in 2012, killing 32 (Povoledo 2014). This very brief list illustrates that leisure cruises regularly experience unforeseen incidents that can threaten human safety and environmental integrity. The sheer bulk of modern cruise vessels, along with the magnitude of passengers (which today can run well into the thousands), multiply the scale of any incident, particularly in precarious environmental situations. The harsh Arctic environment further

increases risk to ships, since any incident will be compounded by the factors previously described. Risk of mortality, particularly if passengers end up in the water, is significantly higher in the Arctic due to low water temperatures.

Policymakers seeking to improve emergency response capacity in the Arctic must therefore weigh the very high cost of enhancement against the very low probability of a major incident; consider the unknown pace of increasing ship traffic (particularly high passenger volume ships like cruise vessels); balance competing demands from other sectors of government, including maritime emergency response; and prepare for potentially significant criticism should their decision prove wrong. Here the wickedness of the problem can be seen more clearly. The wicked characteristics of Arctic emergency response can also be identified through the application of theoretical frameworks of wicked policy problems.

Applying theoretical frameworks to Arctic emergency response

While there are many frameworks for analyzing wicked problems, reviewing just one or two will be adequate to demonstrate that emergency response in the Arctic has all the characteristics of such a problem. Weber and Khademian (2008) identify three criteria: unstructured, cross-cutting, and relentless. Similarly, Van Bueren et al. (2003) note three types of uncertainty: cognitive, strategic, and institutional. These two frameworks highlight important aspects of Arctic emergency response.

Information is both inadequate and evolving, in both human and environmental spheres, in the maritime Arctic: ship traffic in the Arctic has been variable in recent years,[3] and the rate of change of both ship traffic and ice conditions is unknown. Cognitive uncertainty is clearly present; this problem can also be described as unstructured. The problem is dynamic, and it is not directly clear how various interventions affect outcomes.

The cross-cutting nature of wicked problems is closely linked to strategic uncertainty: both frameworks highlight the number of actors and different perspectives involved in managing a wicked problem. The involvement of many different actors implies a high probability of conflict, as each actor will have a different problem definition, objective, and preferred approach. Bringing many different viewpoints and styles to a manageable consensus is one of the great challenges inherent in addressing a wicked problem. This challenge can be seen in the Arctic, where different states, state agencies, local agencies, industry groups, and nongovernmental actors all define *adequate* emergency response differently, and may seek to manage it differently as well.

At this point, differences in the frameworks emerge. Weber and Khademian (2008) highlight the relentless nature of wicked problems: they persist and require long-term management. As the very nature of the Arctic continues to evolve far into the future, emergency response capacity must evolve as well: there is no solution that can be implemented in 2015 that will be appropriate in 2025 or 2050. Therefore, emergency response in the Arctic can be described as a relentless problem.

Van Bueren et al (2003), in contrast, emphasize the institutional uncertainty inherent in wicked problems. Decisions that pertain to the problem are dispersed widely, and decisions in one area or by one actor may not be linked to decisions by another. Institutional uncertainty can be combatted at the

local and national level by coherent policy management. At the international level, the Arctic Council and the forthcoming Arctic Coast Guard Forum will play important roles in combatting institutional uncertainty pertaining to emergency response in the Arctic region, by harmonizing policy and linking decisions.

Taking a closer look: institutional uncertainty

The eight Arctic states are all parties to the 2011 *Agreement on Cooperation on Aeronautical and Maritime Search and Rescue in the Arctic* (hereafter referred to as SAR Agreement[4]) negotiated under the auspices of the Arctic Council, and are therefore bound to respond to a search and rescue situation in accordance with the articles of that Agreement. However, the language of the treaty is deliberately vague: an "adequate and effective search and rescue capability" is left undefined, as is the nature of the promptness that is required in communications between parties. While tasking states with the duty to respond, the Agreement leaves a great deal of latitude. The case study of the Oryong 501, a South Korean trawler that sank in the Bering Sea under high seas in November 2014, serves to demonstrate that national SAR capacity and culture varies in ways that create institutional uncertainty and contribute to the wickedness of emergency response in the Arctic.

On November 30, 2014, the *Oryong 501* took a large wave onboard while hauling in pollock, and water flooded the boat's storage chambers.[5] The captain ordered the crew of 60 to abandon ship nearly 109 miles away from land. The incident occurred in waters delegated to Russian SAR responsibility under the 2011 Agreement, but near to the border with the US zone of responsibility.

According to reports and interviews, the designated Search and Rescue Mission Coordinator, the Russian Kamchatka Border Guard Directorate (KBGD), did not immediately respond to the incident. The US Coast Guard 17th District Command Center was notified of the incident by *Oryong 501*'s emergency locator beacon alert signals and immediately contacted the Russian Rescue Coordination Center in Vladivostok (Honings 12/19/14). Although the US Coast Guard offered assistance, Russia did not accept help until the next morning, December 1st, 2014. Throughout the search, Russia did not provide a base or aircraft support to aid what should have been an international search and rescue effort (Klint 2014).

Extensive assets were utilized throughout multiple search efforts by the United States Coast Guard and the South Korean Navy (Miller 2014). The US Coast Guard deployed US Coast Guard Cutter *Alex Haley*, US Coast Guard Cutter *Munro*, several C-130 Hercules aircraft based out of Air Station Kodiak, a MH-65 Dolphin helicopter from Kodiak, and two SAR planners from Juneau to assist South Korean Navy P-3 aircrews in Anchorage (Honings 12/15/14). US assets were requested to divert from their original missions to support the search. Additionally, Good Samaritan vessels played a large role in search efforts and the rescue of seven survivors. Of *Oryong 501*'s 60-crewmembers, seven survived, 27 crewmembers were recovered deceased, and 26 people remain missing in the waters. A week after the incident, the South Korean Navy aircrafts relieved the US Coast Guard of aeronautical searches. During its involvement in the search and recovery efforts, the US Coast Guard conducted 24 searches, covering more than 4,576 square miles (US Coast Guard).

The *Oryong 501* incident illustrates that, while the 2011 SAR Agreement may have been a step in the direction of greater coordination and reduced uncertainty, there is still work to be done in combatting institutional uncertainty in Arctic emergency response. At this point it should be noted that institutional uncertainty is the area in which the most effort has been expended to manage the wickedness of Arctic emergency response: the other criteria identified by the two frameworks employed above (unstructured/cognitive uncertainty; cross-cutting/strategic uncertainty; and relentless) are even less amenable to policy intervention.

The *Oryong 501* case study, as well as the earlier application of two frameworks for analyzing wicked problems, should make clear the wicked nature of Arctic emergency response. Rather than framing the issue of emergency response in the Arctic as a purely technical problem for which a solution can be engineered using risk assessment techniques, and applying regulatory tools, it is important to recognize the unique aspects of wicked problems that are resistant to management efforts. What lessons can be drawn from the literature that may help policymakers as they seek to address this challenging issue?

Lessons from the literature on wicked problems

McBeth and Shanahan (2004) observe that wicked problems resist technical, scientific, and economic solutions. Technical approaches often "reignite" or cause additional conflict (2004: 322). Scientific evidence is "disputed, ignored, or manipulated" by stakeholders. While economic compensation often fails to reduce conflict intensity, economic arguments for adaptation also fail to move opinion, and market-based solutions are rarely employed (McBeth & Shanahan 2004: 323-4). Finally, they note that values often lead to unnecessary conflict: "Because of values and emotions that stand outside rational calculation of economic self-interest, policies get stuck in ideological cement even when technical, scientific, and economic arguments are plausible for both sides" (Ibid: 326). The failure of rationally grounded policy tools in the face of human factors like values and emotions demonstrates the political challenge of building consensus around the management of wicked problems.

Applying a wicked problem framework can yield insight into approaches that may defang some aspects of these problems. Chapin et al. (2008) lay out an approach to addressing wicked problems: first, by identifying "simple" solutions at the local scale that address the central problem as defined by many of the actors; next, determining linkages among processes and key intervention points to reduce impact; finally, by identifying and addressing secondary problems that emerge. Their approach "involves beginning with a central problem and incorporating only those additional layers of complexity that enable one to address or more inclusively define the central problem." (Chapin et al. 2008: 532). Chapin's approach emphasizes the importance of human factors, highlighting the need for shared problem definition and the acceptance of linkage to other processes and problems. However, Chapin's approach may seem, in its simplicity, to leave unanswered the basic challenge of wicked problems.

Roberts (2000) takes a realist approach, and identifies three types of solutions to wicked problems: authoritative, competitive, and collaborative. "Authoritative strategies are 'taming strategies'" (Roberts 2000: 4), which can only be employed by a small number of stakeholders who have (or have been

given) the power to both define a problem and choose a preferred solution. The other stakeholders must acquiesce to the decision made by the small group. While this type of strategy holds the appeal of simplicity, "experts can be wrong", both in their understanding of the problem and in their chosen solution, and in a small group, learning is unlikely to occur (Roberts 2000: 4-5). Competitive strategies, on the other hand, spur innovation, as stakeholders compete for the power to define and solve problems on their own terms. While challenging the entrenchment of power, competitive strategies can produce undesirable outcomes, including stalemate, gridlock, and conflict (Roberts 2000: 5-6). Collaborative strategies seek to satisfy all stakeholders, avoiding the zero-sum approach present in competitive strategies. Collaboration can improve efficiency, reduce costs, and enable stakeholders to focus on their individual strengths and interests. However, collaboration is difficult, and raises transaction and communication costs. In addition, "collaboration requires practice; it is a learned skill" (Roberts 2000: 7).

From this quick review of the literature, it appears there are few clear-cut strategies for managing wicked problems. In trying to improve emergency response capacity in the Arctic at the international level, no state can act alone nor compel action by other states; as a result, a collaborative approach is the only option. However, the task of building collaborative strategies across international boundaries is heightened by increased transaction and communication costs. Cultural differences may intensify challenges associated with human factors: values may differ widely between state agencies tasked with emergency response, which may have been demonstrated in the *Oryong 501* case; in addition, the political calculus of domestic politics may drive emergency response agencies in different directions.

The strategy described by Chapin et al (2008) does offer some promising avenues. Focusing on central areas where all or most actors share a common problem definition, and identifying key intervention points and linkages that will result in change, may be helpful strategies for Arctic states. The operational level of emergency response may serve as common ground around which consensus can be built. The forthcoming Arctic Coast Guard Forum may serve as a platform that can contribute to consensus around operational emergency response issues, and midwife emerging norms and best practices. Much as the Arctic Council has nurtured collaboration and the emergence of shared norms relating to environmental protection and sustainable development in the Arctic region, the Arctic Coast Guard Forum may prove to be a useful mechanism for building relationships at the operational level among Arctic emergency response agencies, which may lead to more consensus around problem definitions and may decrease the communication and transaction costs associated with collaborative solutions to wicked problems.

Are we ready for the *Crystal Serenity*?

Fortunately for the *Crystal Serenity*, the Arctic Council is planning on facilitating the execution of a large-scale international rescue exercise during late summer 2016, which will likely coincide with the cruise. According to the Department of State, in the summer of 2016, "we'll have an actual full-scale operational exercise for search and rescue".[6] Although details are not yet available, it is likely that this exercise will occur during the *Crystal Serenity* transit, providing a safety net for the voyage. In addition, the annual Arctic Zephyr exercise conducted by US DoD may coincide with the *Crystal Serenity* transit

as well. U.S. European Command and U.S. Northern Command co-sponsor a regular multilateral tabletop exercise called Arctic Zephyr that focuses on search-and-rescue issues in the Arctic (Miles 2013). While the execution of this exercise remains tentative, it may provide another layer of security during the cruise. In light of these planned exercises, it is likely that the *Crystal Serenity* will have plenty of responders available, at least in US waters.

At this point, readers may be wondering about the recently adopted IMO Polar Code.[7] While the Polar Code does not go into effect until 1 January 2017, after the *Crystal Serenity*'s transit, it may be said that the requirements of the code are such that accidents will be prevented. However, as was noted earlier, accidents regularly occur despite regulatory guidance. While the Polar Code will decrease the likelihood of maritime disaster in the Arctic, the idea that regulation is capable of achieving total prevention has little supporting evidence. Nicholas Taleb's famous body of work is not the only case for the importance of outlier, or "black swan" events, and the failure of predictive models to forecast the future.[8] Furthermore, by placing the burden on operators to prevent any incident, those who point to the Polar Code as a solution to the problem of emergency response in the Arctic effectively justify stasis on the part of response agencies: the idea that if an operator 'just follows the rules' then nothing bad can possibly happen. This dangerous logic ignores the reality that accidents can and do frequently occur. And accidents are not the only type of incident to befall cruise vessels, it is important to remember: a vessel in perfect compliance with the Polar Code may suffer engine failure, or the outbreak of infectious disease, or encounter a rogue wave[9]—all scenarios that have struck cruise ships in the past decade—and if emergency response agencies have not developed enhanced capabilities in the Arctic region, outcomes could be quite undesirable. The question is whether policymakers, confronted with daunting cost estimates for enhancing emergency response capacity, are willing to wait—and for how long.

Connecting the question of emergency response to theories of wicked policy problems highlights the challenges inherent in enhancing Arctic response capacity. It is vital that policymakers and scholars alike recognize that this challenge is more than technical. The evolving nature of conditions in the Arctic region, and of human behavior, challenge decision-making. The large number of actors makes consensus on even basic problem definition and solution identification difficult. The low-probability/high-cost nature of Arctic disasters raises the stakes for policymakers. Finally, this is truly a relentless problem, one that can never be solved—but only managed.

Once the wickedness of emergency response in the Siberian and North American Arctic is recognized, management informed by the literature on wicked problems may improve effectiveness by focusing on specific areas highlighted by this theoretical analysis: (1) specific analysis of maritime industry planning forecasts for Arctic traffic, particularly focusing on cruise vessels; (2) building consensus and streamlining decision processes and authorities; (3) targeting policies to address highest-cost outcomes; and (4) taking a long view that emphasizes ongoing management and communication rather than one-step policy delivery. While public policy theory may seem far removed from the operational reality of Arctic emergency response, careful application of theoretical analyses may offer practical strategic approaches to this Gordian knot.

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Notes

1. More information about the *Crystal Serenity* can be found on the website of Crystal Cruises, http://www.crystalcruises.com/northwest-passage-cruise/northwest-passage--6319.
2. For more information on the frequency and scale of ferry disasters, see Worldwide Ferry Safety Association, www.ferrysafety.org, or in-depth reporting in Mother Jones by James West, 3 June 2015; and Foreign Policy, by Elias Groll, 16 April 2014.
3. For a discussion of ship traffic in the Arctic, please see Allianz Safety and Shipping Review 2015 p. 27-28. The report is available here: http://www.agcs.allianz.com/about-us/news/shipping-review-2015/.
4. The full treaty is available: https://www.ifrc.org/docs/idrl/N813EN.pdf.
5. For more information on the sinking of Oryong 501, see the article by Sang-hun (NYT, 2014); Honings (19 December 2014 and 15 December 2014); Klint (KTUU, 2014); Miller (Juneau Empire, 2014); and US Coast Guard (27 January 2015).
6. "Background Briefing on Arctic Council Preview", Department of State, 24 April 2015. Available at http://www.state.gov/r/pa/prs/ps/2015/04/241067.htm
7. For more information on the Polar Code, see IMO, http://www.imo.org/en/MediaCentre/HotTopics/polar/Pages/default.aspx.
8. In books like *Fooled by Randomness* (2005) and *The Black Swan* (2010), and others, Taleb argues for the significance of outlier events not captured in predictive models, and points to the impact of chaos and human error.
9. For a fascinating look at rogue or freak waves, see the MAXWAVE project conducted by a German-led consortium based out of the Institute of Coastal Research, Geesthacht, Germany.

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Role of the Arctic Council Chairmanship

Malgorzata Smieszek & Paula Kankaanpää

In spite of its arguable relevance the question of the role of the chair in the Arctic Council (AC) has until now received relatively little academic attention. When in 2013 Canada assumed the AC chairmanship, which rotates on the biennial basis among the Council's Members, the Arctic Council entered the second round of chairmanships, with the first one being over after sixteen years since the formation of the AC in 1996. In the meantime, in result of processes of climate change and globalization the Arctic region has gone through profound transformation and the United States, the AC Chair from 2015 to 2017, has evolved from one of the greatest opponents of the Council to its outspoken proponent. Yet most of the rules pertaining to chairmanship have remained intact since AC rules of procedure were adopted during the first AC Ministerial meeting in Iqaluit in 1998. What tasks do they assign to the Arctic Council chair? What is the actual role of AC the chairmanship? To address these questions, this article first looks into theoretical insights on the influence wielded by formal leaders in international cooperation and multilateral bargaining. It then turns its attention to origins of the institutional setup of circumpolar cooperation and continues with application of theory to rules and practice of the Arctic Council, complemented by inclusion of effects of the external developments on the course of the AC. In conclusion, it offers an initial assessment of the role exerted by the country chairing the Arctic Council.

Introduction

Many of the recent debates on the Arctic have revolved around the role of the Arctic Council (AC) in emerging regional governance structures. This high-level forum for circumpolar cooperation has been recognized as the primary body in the region not only by the eight Arctic states, but also by numerous non-Arctic actors as reflected in the number of applications for Observer status received before the AC Ministerial meetings in Kiruna in May 2013 and in Iqaluit in April 2015. The Ministerial meeting in Kiruna drew a great deal of attention, in particular, because of much-awaited decisions on the applications of five major Asian economies and the European Union (EU) for Observer status. With China, India, Japan, Singapore, South Korea and Italy welcomed, and the EU's application deferred, discussions about the role of AC Observers continued, along with other major developments of importance such as the finalization of the International Maritime Organization (IMO) Polar Code, the

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establishment of the Arctic Economic Council, and the potentially grave consequences of Russia's March 2014 annexation of Crimea for circumpolar cooperation. These developments came at the time when Canada, sixteen years after the inception of the Council, held the AC chair for the second time, from May 2013 to April 2015. Whereas a number of articles have addressed the second Canadian chairmanship (Exner-Pirot 2011; Fenge 2013; Spence 2013) and others have anticipated the second US chairmanship from 2015 to 2017, the question of the role of the chair in the Arctic Council - and its influence on Arctic politics- has until now received relatively little academic attention.[1] To address it, this article first looks into theoretical insights on the influence wielded by formal leaders in international cooperation and multilateral bargaining. It then turns its attention to the debates over the institutional setup of circumpolar cooperation, which evolved during the negotiations leading to the establishment of the Arctic Council in 1996. It continues with application of theory to rules and practice of the Arctic Council, complemented by inclusion of effects of the external developments on the course of the AC. The paper concludes with an initial assessment of the role exerted by a state chairing the Arctic Council.

Theoretical approaches to the chair

The scant attention offered to the question of chairmanship is by no means limited to the context of the Arctic Council. As Jonas Tallberg points out, the power of the chair is a topic that "so far has received limited systematic attention by international relations (IR) theorists" (Tallberg 2010: 241), despite important implications that the concept of formal leadership holds for our comprehension of multilateral bargaining. Typically, negotiations have been "conceptualized as a process between actors that enjoy the same formal status, but differ in terms of power capabilities, preferences, information, ideas, and alternatives to negotiated agreements" (Tallberg 2010: 242). Indeed, the influence wielded by a formal leader may be severely constrained by both formal (i.e. decision-making rules) and informal (expected norms of behavior) limitations, however this does not mean that the chair should be considered as a function with no impact over the outcomes of the process.

Studies of power and effectiveness of the chair (Blavoukos, Tsakonas & Bourantonis 2006; Tallberg 2004, 2010) are to large extent informed by the rational approach to the design of international institutions, which presumes, in broad terms, "that states use international institutions to further their own goals, and they design institutions accordingly" (Koremenos, Lipson & Snidal 2001: 762). In line with this approach, the design features of specific institutions are a "result of rational, purposive interactions among states and other international actors to solve specific problems" (Koremenos et al. 2001: 762). To this end the position of chair is a functional response to problems relating to collective action and bargaining in a multilateral context: potential failures of agenda, negotiation and representation. Through tasks typically conferred upon the chairmanship - namely agenda management, brokerage and representation - states seek to address difficulties of overcrowded or shifting agendas, the inability of parties to identify underlying areas of agreement, as well as handling relations with non-members and representing the institution vis-à-vis third parties.

Agenda management involves activities related to agenda-setting (introduction of new issues on the policy agenda), structuring (emphasizing or de-emphasizing issues already on the agenda) and agenda

exclusion (active barring of issues from the policy agenda).[2] Moreover, as leaders of individual sessions, chairs open and close meetings, structure their agenda, allot the right to speak to participants and summarize the results of sessions (Tallberg 2010: 246). Brokerage, rather than involving a formal concession of powers to the chair by the other parties, refers to the situation where a chair serves as a channel of information among states who, for tactical reasons, conceal their true preferences but share information about them with the chair who thus gets privileged access to information that may then be used to construct compromise. In addition, oftentimes the chair's mandate gives it a right to produce a single negotiating text as a basis for consensus. Finally, representation involves the chair being empowered by the other parties to speak on their behalf, since institutions typically cannot be represented by all their constituent members in relations with the outside world (Tallberg 2010: 245).

According to Tallberg, "the office of the chair, once vested with power of process control, offers a political platform for influencing outcomes of the process" (Tallberg 2010: 245). Even though the chair is usually expected to conduct assigned functions with a view to promoting collective gains, holding a chairmanship may be seen by certain actors as a 'window of opportunity' to shift the agenda and distribution of gains in pursuit of their national interests. Additionally, a comparison study carried out by Tallberg on three alternative ways of organizing the office of the chair - rotation between states (like the Presidency of the European Union), appointment of a supranational official (as in the case of the WTO Trade Negotiations Committee) and election of one state's representative (UN environmental conferences) - points to the rotating chairmanship (like the Arctic Council one) as a model particularly open to distributional influence and generating a process of logrolling, strengthened furthered in situations where the state in office controls multiple chairs of sub-groups within the organization and where the chairmanship of all or most of those sub-groups shift from one state to the other at the same time (Tallberg 2010).

Yet chairs do not operate in a world without constraints and the mere fact that a chairmanship rotates between state representatives is not a guarantee for patterns of distributional impact. Blavoukos, Bourantonis and Tsakonas differentiate between three groups of parameters that affect the chair's ability to perform the assigned roles and tasks.[3] First, they point to the international environment and the nature of the issue under consideration. Since international institutions do not operate in a vacuum, "the systemic power configuration creates an international climate within which the chair operates" (Blavoukos et al. 2006: 150). A polarized, conflictive climate constraints not only the chair's resources (e.g. privileged access to information) but also limits its assigned roles to merely procedural tasks and formalities. As for the nature of issue under consideration, its salience and the degree of controversy associated with it both affect the chair's ability to perform its functions. In general, the more salient the issue is for the parties, the more difficult it is for the chair to succeed. The same is true with the degree of controversy. For example, matters of 'hard' military security and sovereignty are usually more sensitive and therefore more difficult to handle than 'soft' matters such as economic cooperation or environmental protection, with the Arctic Council being an excellent example of this.

The second group of parameters affecting the chair is institution-specific and involves the institutional design of the chairmanship, the resources available to a chair, and the formal and informal constraints put upon it. The institutional design of the chairmanship – the three alternative ways of organizing

the office of the chair are outlined above - is the critical factor, since it affects both the quality and quantity of the chair's resources as well as the formal and informal constraints. More specifically, what matters is the intervention capacity given to the chair (i.e. control over agenda management and brokerage) as well as institutional continuity and the duration of the chairmanship. In short, the greater the chair's control over process, the more institutional continuity and the longer the duration of its tenure, the more effective the chair will be (Blavoukos et al. 2006: 152). When it comes to the resources available to the chair, these include the already mentioned asymmetrical access to information and legitimacy of the chairmanship office. With regard to formal constraints placed upon the chair, these include the mandate, decision-making rules and control mechanisms within the institution. The mandate – or, like in the case of the United Nations Security Council and the Arctic Council, rules of procedure – outline tasks and functions assigned to the chair, thus defining its intervention capacity. Again, the less detailed the mandate, the more the institutional autonomy of the chair. Similarly with decision-making rules, the more demanding the rule (for example special majority, unanimity or consensus), the less maneuvering space for the chair and the more curtailed its role. As for control mechanisms, these usually take the shape of appointment as well as administrative and oversight procedures, while informal constraints include behavioral norms that are often implicit but which the chair is nevertheless expected to follow. Most often, these are the norms of efficiency, neutrality and impartiality, as well as the presumption of the chair as an 'honest broker' in the process (Blavoukos et al. 2006: 154-155).

Finally, the last group of parameters conditioning the effectiveness of the formal leader concern personnel-specific features which can help (or impede) procedural and bargaining efficiency, as well as country-specific attributes that may affect political status and ease the performance of the chair's functions (Blavoukos et al. 2006: 156). As much as the focus of this article is on states performing the role of the chair in the Arctic Council and the detailed examination of all individuals holding the position of the chair of the Senior Arctic Officials[4] throughout the AC history goes beyond the scope of this paper, it is important to recognize the leadership function that the chair as individual can execute. Even though Oran Young proposed a distinction among three forms of leadership (structural, entrepreneurial and intellectual) in reference to regime formation, arguably it can be equally applied to the functioning of the institution once it is in place. In particular it is worth noting here the entrepreneurial leadership, where the leader is an individual who "leads by making the use of negotiating skill to influence the manner in which issues are presented in the context of institutional bargaining" (Young 1991: 288) and who helps to "broker deals acceptable to parties engaged in competitive-cooperative interactions" (Young 1999: 806). Importantly, the entrepreneurial leader is not a third party in a bargaining process and "[u]nlike mediators, [those leaders] (...) are typically agents of actors that possess stakes in the issues at hand and participate in the negotiations in their own right" (Young 1991: 295) - similarly to the individual holding position of the SAO chair during the given AC chairmanship period.

To conclude this theory section, although the role of chair has been oftentimes overlooked in the IR literature, and especially in the literature on the Arctic Council, the evidence points to the chairmanship as a particularly powerful platform for leadership in international negotiations and multilateral bargaining (Tallberg 2010: 261). Despite the procedural character of most of the chair competences,

the political importance of the chair should not be underestimated as the conduct of the chairmanship, particularly in a rotating system, gives states some maneuvering space that they can use to their own advantage and in pursuit of their national interests. For this reason, we can expect the institutional mechanism of the chairmanship of the Arctic Council to have some influence on the direction of Arctic international relations.

From the Arctic Environmental Protection Strategy to the Arctic Council

Before going into specifics of the AC chair and provisions regulating its role in the Council, the theoretical insights above can help us understand the struggles carried over the shape of the Arctic Council. According to rational choice institutionalism, states construct institutions to advance their goals and support their interests. They spend time and effort negotiating institutions and fighting over their design not only because the institutional setup affects the outcomes, but also because the institutions, once in place, cannot be changed or adapted quickly to world's changing conditions and configurations of international power (Koremenos et al. 2001:762) - the UN Security Council being the primary example here. At the same time, wrangles over the design and the procedural issues represent in fact debates on more fundamental questions of purpose and direction - as it was in the case of the Arctic Council (Scrivener 1999: 57). Whereas the paragraph below does not focus exclusively on the AC chair, it offers instead a bigger picture of negotiations towards establishment of the Council and how position take by the United States at that time affected today's shape of this institution.

The origins of the Arctic Council date back to the early post-Cold War period when in June 1991 representatives of eight Arctic states (today's members of the Arctic Council) adopted the Arctic Environmental Protection Strategy (AEPS) to protect the environment of high north latitudes (see: Arctic Environmental Protection Strategy 1991; Koivurova & VanderZwaag 2007; Nilson 1997; Young 1998). In view of some states, however, the narrowly defined focus of the AEPS did not allow to address all relevant matters pertaining to the Arctic. In particular, Canada was in favour of establishing an umbrella-type of political body to handle a wider set of issues in framework of sustainable development in the region (Canadian Arctic Resources Committee 1991; English 2013). The Canadian initiative for the establishment of the Arctic Council met yet a great deal of resistance and, until the last moment, it was uncertain whether it would come to a successful conclusion. The greatest opposition came from the United States which opposed broadening the environmental cooperation of the AEPS into a broader framework for several reasons, including the participation of indigenous peoples, the use of the concept of sustainable development, issues of military security and, finally, a low degree of interest in the Arctic among Washington officials and politicians (English 2013: 188-193).[5] The US was not in favour of creation of new international organizations and it consistently held a minimalist view of the Arctic Council as a purely consultative forum with limited functions.[6] Even the signature of the Ottawa Declaration in September 1996 did not end the discussions over the shape of what came to be "a high-level forum" for Arctic cooperation and coordination, and regardless of the fact that as the "outgrowth" (Bloom 1999: 712) of the AEPS the AC inherited most of its structures, the drafting of rules of procedure for the Council continued well into the first years of the Arctic Council when Canada held its chair. From the outset of the negotiations the US argued that the

role of the AC chair should be confined largely to the actual ministerial meetings of the Council. This, it seems, was intended to deprive the chair of the right to speak or act on behalf of all Arctic states in relations with outside countries or international organizations. Similarly, the US insisted that the functions of the Council's Secretariat should be reduced to a minimum (Scrivener 1999: 55-56) and handled primarily by the chair (at that time 'the Host Country'), thus further reducing the Council's scope for independent action. Finally, after much protracted debate, the rules of procedure of the Arctic Council were adopted at its first ministerial meeting in Iqaluit in September 1998. In many respects, they remain intact today, despite certain revisions in 2013.

Main tasks of the chair of the Arctic Council

According to the Declaration on the Establishment of the Arctic Council, the Council should normally meet on a biennial basis (Article 4) and responsibility for hosting meetings of the AC, including provisions of secretariat functions, should rotate sequentially among the Arctic States (Article 5) (*Declaration on the Establishment of the Arctic Council* 1996). The AC rules of procedure of 1998 did not speak of the chair of the Arctic Council but the Host Country, meaning "the Arctic State which chairs the Arctic Council during the particular period in question" (Arctic Council 1998). However, as the term Host Country was replaced by the one of Chairmanship in the revised Rules of Procedure adopted during the Ministerial Meeting in Kiruna, Sweden in May 2013 (Arctic Council 2013), the term chairmanship will be used subsequently in this text. In addition, the revised rules from 2013 are numbered, unlike the ones from 1998; therefore, the numbers in brackets below refer to revised provisions. Finally, in cases where the revised rules altered or added to the wording of original provisions, the relevant information is provided.

As stipulated in the rules, the Chairmanship is to act as the AC Chair from the conclusion of a biennial Ministerial meeting to the conclusion of the next biennial Ministerial meeting, and coordinate arrangements for Ministerial meetings. These functions were complemented in the revised rules from 2013 by the responsibility "for facilitating preparations for Ministerial and SAO meetings, in coordination with the Secretariat, and carrying out such other tasks as the Arctic Council may require or direct" (Rule 10). After consultation with Arctic states and Permanent Participants, the Chairmanship may place reasonable limits on the size of all delegations for a meeting and shall notify all delegations accordingly (Rule 13) and, subject to the approval of the Arctic states, designate the Chairperson for Ministerial meetings (Rule 16). As laid out above, in accordance with article 5 of Ottawa Declaration, the chair of the Arctic Council shall rotate among the Arctic states and prior to the conclusion of each Ministerial meeting, the Arctic states shall confirm the host of the next meeting (Rule 17). The Chairmanship shall propose a date and the location for a biennial Ministerial meeting at least six months in advance of the proposed date (Rule 18) and, after consultation with Arctic states and Permanent Participants, circulate a draft agenda which - after revision - is to be adopted by a decision of the Arctic states at the opening session of each Ministerial meeting (Rule 19). According to Rule 22 the Chairmanship shall provide the chairperson for the SAO meetings, subject to the concurrence of the Arctic states there represented, while meetings of SAOs should take place at least twice yearly at the call of the Chairmanship, after consultation with the representatives of the Permanent Participants (Rule 25). With regard to public communications, the Chairmanship is

responsible for preparing a report of the meeting as well as releasing any minutes, communications and documents – subject, in all instances, to the approval of the relevant officials of each Arctic state (Rule 45). With respect to communications with the AC, the Chairmanship shall designate a point of contact for communications and inform all Arctic States, Permanent Participants and Observers accordingly (Rule 46).[7] It shall as well make reasonable efforts to provide for Russian interpretation at Ministerial and SAO meetings (Rule 42).

When the Arctic Council reached its tenth anniversary, at the time when Norway assumed its chairmanship in 2006, the discussions began on the review process and evaluation of the Council's work, in order to improve its effectiveness and efficiency (Norway's Ministry of Foreign Affairs 2006). Yet, whereas many were of the opinion that the AC required strengthening and considered enhancing capabilities of the chair, it took another seven years before the new rules of procedures were eventually adopted. The major difference between rules from 1998 and 2013 refer to the Observers and the role of Secretariat, illustrating well not only the impact of external developments (i.e. much greater interest of non-Arctic actors in the Arctic), but also the evolution of the approach taken by the Arctic states towards the AC as an institution. The first AC rules of procedures did not contain detailed provisions on the status of Observers, which were developed only during the Danish chairmanship (2009-2011) in response to rapidly growing interest of outside actors in the Arctic affairs. They were adopted in the Ministerial meeting in Nuuk in 2011 and subsequently included in the Annex 2 to the revised rules of procedure from 2013. With respect to the AC chair, the new rules give the Chairmanship a role in managing the reception and circulation of applications for Observer status to all Arctic states and Permanent Participants (Art. 1-2 of Annex 2).[8] In addition, Observers are expected to submit to the Chairmanship up to date information about their relevant activities and contributions to the work of the Council (Art.4 of Annex 2) before the Ministerial meetings where the review of Observers is to take place;[9] and the Chairmanship shall distribute this information to all Members and PPs together with a list of accredited Observers (Art.5 of Annex 2).

Whilst original AC rules of procedure from 1998 assigned secretariat support functions to the Host Country which was "responsible for facilitating preparations for forthcoming Ministerial and SAO meetings, liaison and coordination, providing secretariat support functions and carrying out such other tasks as the Arctic Council may require or direct"(Arctic Council 1998), Rule 32 of the revised rules of procedure from 2013 makes the Secretariat responsible for the support functions set out in its separate Terms of Reference (Arctic Council 2013). The permanent Arctic Council Secretariat was established by a decision from the 2011 Nuuk Ministerial meeting. Located in Tromsø, Norway, it became operational on June 1, 2013. According to its terms of reference, the AC Secretariat is to, *inter alia*, assist the Chair in drafting meeting documents including final reports, developing strategic communication and outreach plans and other documents under the direct supervision of the Chair, as well as providing other services and functions as may be required and directed by the Arctic Council and its Chair (Art. 2.2) (Arctic Council 2012). Furthermore, many of the duties of the Secretariat's director are associated with the SAO Chair (as provided by the chairing country): the director reports to SAOs through the SAO Chair, receives tasks from him or her, is under his or her direction and shall consult him or her on all matters of importance (Art. 3.3). In addition, when directed by the SAO Chair, the director represents the AC Secretariat externally (Art. 3.4) and performs such other

functions as may be required and directed by the SAOs and the SAO Chair (Art. 3.6g). Finally, when it comes to the administrative budget of the Secretariat, the Chair carries the costs, others than listed in the Art.6.1, as per current practice and the rules of procedure, including renting rooms and providing interpretation at the meetings of SAOs, deputy ministers and ministers (Art. 6.1). In conclusion, the establishment of a standing Secretariat gave the AC an administrative capacity and institutional memory that it did not possess previously and which was difficult to maintain with rotating chairmanships. However, as a more detailed examination of the Secretariat's terms of reference shows, much discretion and margin of maneuver is still left to the Chairmanship, in particular through the control that the SAO Chair maintains over the director of the Secretariat who has the overall responsibility for the management, administration and the day-to-day functioning of the Secretariat (Art. 3.2. and 3.4).

AC chairmanships - between theory and practice

When Canada assumed the AC chairmanship in 2013, the cycle of rotating chairmanships among the eight Arctic states began anew. In the first cycle, states proposed themselves as the next country to hold the chair which consequently moved from Canada (1996-1998) to the United States (1998-2000), Finland (2000-2002), Iceland (2002-2004), Russia (2004-2006), Norway (2006-2009)[10], Denmark (2009-2011) and finally to Sweden (2011-2013). For their two-year term of office Arctic states typically have proposed a program of objectives or actions that they would like prioritized during their tenure. Arguably it is through advancement of those priorities that the chairmanship may be seen as a 'window of opportunity' to shift the agenda of the AC closer to the national interest of the state in office, even if constrained by the consensual nature of AC decision-making process.

According to theoretical insights, states typically confer upon the chair the tasks of agenda setting, brokerage and representation in response to problems related to bargaining in a multilateral context - even if in the case of the Arctic Council much of the evidence shows the United States resisting allowing the Council any resemblance to an international organization, and thus confining the actual role of the chair. Under the significant constraints of a consensus-based decision-making body (in concordance with the Article 7 of the Ottawa Declaration), the customary practice of suggesting the priorities for two-year rotating terms has nevertheless allowed the chairing country to play something of a leadership role in defining the AC objectives throughout its tenure (Spence 2015). In light of the culture of dialogue and the practice of round-table discussions within the AC and its subsidiary bodies (e.g. working groups) (Fenge & Funston 2015), the brokerage function is conceivably of lesser importance, whereas representation of the Arctic Council in other international fora requires more careful examination on a case-by-case basis[11] – since the AC rules of procedure allow not only the chairmanship, but also an Arctic state or other subsidiary body to undertake communications on AC matters "as may be agreed to in advance by the Arctic States" (Rule 11 of Revised Rules of Procedure, Arctic Council 2013). Moreover, the AC cannot represent its member states in international negotiations.

The parameters conditioning the chair's performance include the international environment, the nature of the issue, the institution-specific features and finally the chair's personal skills. In the case of

the Arctic Council, both the external circumstances of relative détente in the aftermath of Cold War and the upfront explicit exclusion of military security from deliberations of the Council not only created favorable conditions for the development of circumpolar cooperation, but also enabled the chair to carry out functions that extended beyond strictly assigned procedural tasks and formalities. On the one hand, the applied model of a chairmanship rotating every two years (a relatively long duration for a rotating chair system) has brought about space for the chairing country to promote its own priorities, e.g. through presented programs, with the implicit acquiescence of the other members (yet formally under the rule of consensus) as all the Arctic states eventually receive the same privileged opportunity of heading the AC. On the other hand, however, a two-year period may oftentimes be not enough to address effectively some of the major challenges identified in the Arctic. For that reason three Scandinavian countries: Norway, Denmark and Sweden decided to pursue next to their national objectives also a set of common priorities, to endorse continuity in the work of the Arctic Council during their consecutive chairmanships (*Norwegian, Danish, Swedish common objectives for their Arctic Council chairmanships 2006–2012*).[12] Yet, it did not prevent them from presenting as well their individual undertakings, reflective of their distinctive interests and concerns (Nord 2013) as much as of the changing external environment which for example pushed the Danish chairmanship to take upon the question of Observers to the Council (The Kingdom of Denmark 2009; see also: Graczyk 2011). It was for the first time during the Danish chairmanship period that the SAO chair, Mr. Lars Møller, attended the Observers' meeting in 2010 in Warsaw, followed by the Swedish SAO chair, Mr. Gustaf Lind, in March 2013 and the Canadian SAO, Ms. Susan Harper, who replaced the SAO chair at the "Warsaw Format" meeting with the AC Observer states in March 2015. Whereas similar meeting with the US SAO chair may be anticipated later into the US chairmanship, the United States has been active on the Observers' issues from its early days in the chair office, initiating for example a series of joint phone calls with the Observers to enhance with them channels of communication and exchange of information.[13]

Somewhat loosely defined rules of procedure leave some degree of discretion to the chair (for example in its relations with the AC Secretariat), albeit again under the requirement of consensus of all the AC Members for all decisions taken by the Council and its subsidiary bodies. Another form of what could be considered a safeguard mechanism to curtail the chair's autonomy has been the division of chairs over various AC working groups and task forces, where most of the Council's work is being done, among all the Arctic states. In concordance with Tallberg's findings a system where a state in office controls multiple chairs of sub-groups within the organization and where the chairmanship of all or most of those sub-groups shift from one state to the other at the same time is particularly open to a process of logrolling. In the Arctic Council, however, different Arctic states chair different working groups (with exception of Sustainable Development Working Group headed usually by the AC chair) and task forces, while the working group's secretariats ensure the continuity of carried projects and further shield them from too erratic shifting of the Council's priorities.

Finally, it is worth noting the role of individuals and potential of the SAO chairs as of the entrepreneurial leaders in the chairmanship process. As it was underlined earlier, entrepreneurial leaders are typically agents acting in the name of states (like the SAO chairs) or organizations, "subject to removal if they neglect (...) [their] interests" (Young 1991: 296). However, as much as they represent

states' interests, the success of bargaining and institution's regular functioning depends many times on the chair's personal skills to formulate issues in the fashion agreeable to all parties, to overcome impediments and finding common grounds to proceed. Conceivably, for example, the success of Icelandic chairmanship (2002-2004) drew upon the commitment and dedication of Icelandic SAO chair, Mr. Gunnar Pálsson (Fenge 2013).

Impact of domestic politics and international developments

As states construct institutions to advance their goals and support their interests, those institutions become a part of a broader matrix of national and foreign policies of their members, oftentimes influenced as much by changes at the domestic level as in the external environment. Similarly, the approach taken towards the Arctic Council as well as countries' proposed objectives reflect larger national and foreign policy interests of eight Arctic states, where the AC can be considered an arena for their pursuit of interests of greater or smaller importance, depending on the country's profile and importance of the Arctic in its domestic politics.

The good case in point here is the United States, the 2015-2017 chair of the Arctic Council, and the impact its domestic politics as well as foreign policy stances have had on the evolution of its approach towards the AC. As it was outlined earlier, the Arctic Council was very much a Canadian initiative. However, since its inception met so much resistance from the United States and many issues remained unresolved at the time of signing of Ottawa Declaration, the first Canadian chairmanship was almost entirely dedicated to drafting of rules of procedure, adopting terms of reference for the new sustainable development program (the primary extension from the environmentally focused AEPS) and making the body operational. Thus, in words of Evan Bloom, "as chair, the United States [was] (...) in charge of facilitating the first active phase of the Council's existence" (Bloom 1999: 717). Whilst the Arctic was not high on the overcrowded agendas of politicians in Washington DC, the actions pursued within the Council corresponded well with the climate policies of the Clinton administration ahead of the Kyoto conference in 1997 and led to launch of one of the most important and successful Arctic Council projects, namely the *Arctic Climate Impact Assessment* (ACIA) (Koivurova 2009; for more details on the ACIA process see: Nilsson 2007).[14] At the same time, the process of ACIA illustrates how changes in domestic politics in the US, even beyond the chairmanship period, can translate into differences in the approach taken towards Arctic-related projects. In 2003, under George W. Bush administration, the instructions received by the US representative in the ACIA policy drafting committee proposed delaying the drafting of policy recommendations, which seriously hampered the policy part of the process (Fenge 2013; Nilsson 2007). Nonetheless, after significant public pressure on the United States, the final policy document was eventually agreed and the ACIA scientific report published in 2005.[15]

The political importance of the ACIA-fed projections of an opening Arctic Ocean was much reinforced two years later, when planting of the Russian flag on the seabed under the North Pole in 2007 caused the worldwide media frenzy and created a surge in international interest in the Arctic. This event illustrates well how external factors and developments may influence the course of action and the evolution of the AC substantive agenda, as it was the case with the Danish chairmanship,

which addressed in its programme the question of greater involvement of Observers in the work of the Arctic Council. Moreover, whereas occurrence of the Arctic Five format that followed signing of the Ilullisat Declaration in 2008 only by Arctic rim states raised a number of questions about the legitimacy of various forums relevant for debating Arctic issues, the Arctic Council eventually came out of those debates "revived and even strengthened" (Pedersen 2012: 205), when in the Ministerial meeting in Nuuk in 2011 ministers announced the first legally binding agreement (on search and rescue) negotiated under the auspices of the AC and decided to "respond to the challenges and opportunities facing the Arctic by establishing a standing Arctic Council secretariat" (Arctic Council 2011).[16]

However, external events may have also potentially strong adverse effects on circumpolar cooperation. At present, one much discussed issue is whether cooperation at the Arctic Council can continue after Russia's annexation of Crimea in March 2014, an act strongly condemned by the other Arctic states. Even though the situation is still unfolding, arguably the AC chair can play a role in those processes. We may be seeing this happening presently, with the United States in its position as AC chair, taking a much more conciliatory approach towards Russia on Arctic matters than it is able to take on non-Arctic matters. Such appeasing, rather than belligerent, rhetoric adopted by the US AC officials helps to insulate the Council from broader geopolitics as well as maintain the circumpolar platform as an open channel of communication and collaboration at times of tensions and much worsening relations in other parts of the world.

Conclusions

It seems fair to say that the office of the Arctic Council chair has grown in stature over time by default rather than design. In course of negotiations over establishment of the Arctic Council, wrangles over the design and the procedural issues, as noticed by David Scrivener, represented in fact debates on more fundamental questions of purpose and direction (Scrivener 1999: 57). Since the United States strongly opposed an idea of a new international organization with circumpolar focus, it consistently held the minimalist view of the role the Council, objected to the creation of a permanent secretariat and insisted on confining the actual role of the AC chair. Yet it appears that the AC rules of procedure approved first in 1998 and revised in 2013 left enough scope for action for the Arctic states, as they consecutively assumed the chair office, to use it to advance their national priorities and interests, even though they were constrained to some degree by the consensual nature of decision-making in the Council. In addition, the international environment and relative détente following the end of Cold War, along with the upfront exclusion of controversial, military security matters from the Council deliberations enabled the chairs to carry out functions extending beyond strictly assigned procedural tasks and formalities. Perhaps the most noticeable example of the AC chair's discretion has been the customary practice of presenting country's program of objectives for its AC tenure - providing directions for the Arctic Council in two-year time spans and playing much of the agenda-setting role typically conferred to chairs in international organizations. The Arctic states have acquiesced in this because the system of rotating chairmanships ensures to them a reciprocal advantage, in that all states eventually get the similar privileged opportunity to head the AC. At the same time, the division of chairs over the working groups and task forces, where most of the AC work is done, among all the

eight Arctic states and not linking them to the AC chairs puts in place a system of checks and balances (further strengthened by the use of consensus), which shields the institution from erratic shifting of priorities linked to the domestic interests of the state currently holding the lead office.

International institutions, however, do not operate in vacuum. The Arctic Council is no exception to this rule, as it has tried to adapt to the unprecedented attention paid to the Arctic as a result of processes of climate change and globalization. At present, one of the main challenges concerns insulating the Council from the increased international polarization that followed Russia's annexation of Crimea in March 2014. Since the Arctic Council is a consensus-based body, the endorsement of its actions by all Arctic states is essential to its continued functioning. On the one hand, the conditions of animosity may significantly reduce the scope of action for the chair and limit its potential to deliver. Yet on the other hand, they may potentially increase the importance of the Arctic Council chair in brokerage, identifying underlying areas of agreement and finding common ways to further cooperation.

Notes

1. For a study dedicated solely to the Swedish AC chairmanship see Nord 2013.
2. More on the agenda-shaping power see: Tallberg 2003.
3. Slightly different qualifications for the power of the chair in international cooperation are presented by Tallberg according to whom influence of formal leaders is conditional upon a demand for leadership (so where states cannot come on their own to consensus over the agenda, negotiated text etc.), alternative solutions for leadership (like international secretariats or even influential individuals), decision-making rules governing the conduct of negotiations (the more demanding rule, the lesser space for manouver by the chair) and finally design of the chairmanship (three models described in the main text).
4. As the AC Rules of Procedures stipulate, Chairmanship means the Arctic state which chairs the Arctic Council from the conclusion of a biennial Ministerial meeting to the conclusion of the next biennial Ministerial meeting. However, the term chair in the AC context is often used in relation to the chair of the Senior Arctic Officials (SAO) who is also provided by the country chairing the Council.
5. At that time neither the AEPS nor the Arctic Council were seen in the U.S. as strong tools of foreign policy where, when it comes for example to relations with Russia, other bilateral platforms of cooperation already existed (Russell 1996).
6. One could plausibly argue that the approach taken by the United States towards circumpolar collaboration was to large extent dictated by the overall setting of the 1990s. At the time, the world was clearly unipolar with "[t]he center of world power [being] (...) the unchallenged superpower, the United States, attended by its Western allies" (Krauthammer 1990: 23).

7. In addition, two rules, which refer, but not exclusively, to the chairmanship and the chair are Rule 11 which stipulates that "the Chairmanship, an Arctic State, or other subsidiary bodies may undertake communications on Arctic Council matters with other international fora as may be agreed to in advance by the Arctic States" and Rule 12 according to which "[d]uring the discussion of any matter, a representative of an Arctic State or Permanent Participant may rise to a point of order and the point of order shall be decided immediately by the chairperson in accordance with these Rules."
8. The provision regulating applications by a potential Permanent Participant remained unchanged and the Chairmanship shall circulate it to all Arctic States and Permanent Participants at least 90 days prior to the Ministerial meeting at which the matter is to be decided (Rule 35).
9. In practice, though, the reports are submitted to the AC Secretariat in Tromsø, Norway.
10. As agreed in Norwegian, Danish and Swedish common objectives for their Arctic Council chairmanships 2006-2012, "the Ministerial Meetings could be moved to the spring to take advantage of the more favorable weather conditions in the Arctic during the season" (Norwegian, Danish, Swedish Common Objectives 2007), which resulted in postponing of the Ministerial meeting ending the Norwegian chairmanship from fall 2008 to spring 2009.
11. One example of such case happened back in 2002 when the SAO Chair was authorized by the Council to speak on its behalf at the World Summit on Sustainable Development in South Africa (Fenge & Funston 2015: 18).
12. The common objectives of the three countries included climate change, integrated management of resources, the International Polar Year (IPY), indigenous peoples and local living conditions, and management issues (*Norwegian, Danish, Swedish common objectives for their Arctic Council chairmanships 2006–2012*).
13. The point, however, which remains to be addressed relates to the already mentioned reports on relevant activities and contributions of the Observers to the AC work. So far those submissions (from 2013 and 2015) did not receive any feedback from the Council, leading thus some of the Observers to question the point of this requirement.
14. The work plan for the assessment was developed from the initiative of Robert Corell during the US AC chairmanship and approved in the AC Ministerial meeting in Barrow, Alaska in 2000. The United States not only chaired, but also largely financed the project, leading to its completion in 2004 and publication in 2005.
15. The increasing importance of climate change on the US national agenda is also presently reflected in the US priorities for its chairmanship period which, next to improving living conditions for Arctic communities and the Arctic Ocean stewardship, include addressing impacts of climate change.
16. The temporary dismissal of the Arctic Five (A5) format could be partially linked to the effect of changes in the US domestic politics on position of the United States vis-à-vis the Arctic

cooperation when the US withdrew its support to the A5 in 2011, after Barack Obama succeeded George W. Bush as president and Hillary Clinton was appointed as secretary of state. The debates about the Arctic Five, however, again renewed, when five Arctic littoral states signed the moratorium on unregulated fishing in the central Arctic Ocean in July 2015.

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Section IV

Scholarly Papers

International and global governance

The 'Common Arctic':

Legal Analysis of Arctic & non-Arctic Political Discourses

Kristin Bartenstein

This paper takes a closer look at the references to commonality, which are a salient, albeit ambiguous feature of the current discussion on Arctic governance. It does so from a legal perspective and with the purpose to unveil a twofold divide in the discussion. Legal and political purposes intersect and they vary depending on whether they are made from an Arctic or a non-Arctic perspective. Despite similar rhetoric, intentions may differ greatly and it is not unusual that different players refer to the law in irreconcilable or controversial ways. In a first step, the variety of references to commonality is charted and the underlying rhetorical strategies are carved out. In a second step, the references' legal accuracy and their conceptual contribution to the development of a legal framework for Arctic cooperation are analysed. This should enable a better understanding of the diverging intentions and strategies at play in the discussion and the difficulties to reach a common understanding of how to govern the Arctic region.

Introduction

The idea that certain areas, resources, interests and concerns can be common was embraced rather recently in public international law. As a consequence of the 'Westphalian' conception of international law as a regulatory means to govern relations between sovereign States, the international legal order is characterized by mainly "relative" (Verdross 1965: 126), decentralized law-making and enforcement. In the absence of a central authority, interstate negotiation and cooperation have proven indispensable for the States' common interests to emerge and to be addressed (Brunnée 2008: 551). Environmental protection is a field where the shift from bilateralism to "community interests" is particularly marked (Simma 1994: 235 *et s.*). International environmental law developed from a classic bilateral law in its earliest manifestations (*Trail Smelter* case, 1938 and 1941) towards a law based on community concerns thanks to rising awareness, starting in the 1960s, that resources are finite and that pollution problems are often of a global nature (Simma 1994: 238 *et s.*). These community interests notwithstanding, state sovereignty remains key in interstate relations.

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This said, arguments put forward in recent debates on Arctic governance by Arctic and non-Arctic states alike frequently revolve around what will be called here 'commonality'. The word 'commonality' is used as a generic term to capture diverse terms and expressions that seem intended to frame a 'common Arctic' in some way or another. The precise meaning of these references to commonality varies significantly depending on the context and the perspective in which they are expressed. States' invocations, or even incantations of commonality regarding the Arctic, in particular if they are expressly linked to environmental concerns, must be considered in this apparently contradictory context.

The new interest in the Arctic and the related question of the future of Arctic governance has drawn considerable attention in recent years. Much of the discussion focuses on the question of who are the legitimate players in Arctic governance. Beyond doubt, the states located in the Arctic are entitled to play an active role and they have done so, both individually and collectively. After the end of the Cold War, Arctic cooperation first concentrated on environmental issues under the Arctic Environmental Protection Strategy (Declaration on the Protection of Arctic Environment, 1991). Since the creation of the Arctic Council in 1996, Arctic cooperation has been based on an embryonic institutional structure and its scope broadened to include the wider issues of sustainable development and of well-being of the inhabitants. The main actors of Arctic cooperation are the eight "Arctic States," the Arctic Councils' full members – namely Canada, the United States of America, the Russian Federation, Finland, Sweden, Norway, Iceland and Denmark/Greenland –, and the Permanent Participants, as are called the representatives of indigenous peoples (Ottawa Declaration, 1996). Non-Arctic states and non-state actors may be granted Observer status, provided they have relevant interests and expertise and display adequate deference to the Arctic States' rights and interests (Observer Manual, 2013). France, Germany, the Netherlands, Poland, Spain and the United Kingdom are longstanding state Observers, whereas China, Italy, Japan, Korea, Singapore and India became observers in 2013. Although the Observer status is coveted by non-Arctic States, many of them clearly seek an even more active role in Arctic governance.

This paper scrutinizes the discourse of some players in more detail: China, as an emerging power and new Observer with no official Arctic strategy, but certainly an Arctic agenda (Chen 2012: 369; Jakobson 2010: 2 and 9; Liu *et al.* 2012: 366); Germany, as a longstanding Observer with a well-articulated policy and a century-long history of Arctic research (Germany 2013: 11); the European Union, as a prospective Observer that is expected to issue, after tortuous debates, an official strategy in 2015 (E.U., 2012); and the Arctic states, as the group with the most genuinely Arctic discourse, at least geographically speaking.

The discussion on Arctic governance is shaped by several characteristic features pertaining to the region's natural and legal/political situation. The Arctic is a remote region with a harsh environment and vast stretches of wilderness. It is ecologically sensitive and suffers from serious pollution problems and rapidly warming temperatures. The Arctic might hold considerable undiscovered resources (USGS 2008), which are of interest to Arctic and non-Arctic States and their industries. It includes international areas as well as areas where Arctic states exercise jurisdiction or even sovereignty. The Arctic's warming, the resulting new threats and opportunities, the complicated legal framework and

its complex geopolitical links to other parts of the world have given rise to political destabilization in the region (Luedtke & Howkins 2012; Martin-Nielsen 2015). Recent developments in Ukraine further complicate the issue by altering the relations between several states with Arctic interests and the Russian Federation. In this context, states' behaviour suggests that defining a new balance of power and devising an appropriate governance model has become increasingly urgent, while the challenge is to bring all of the relevant aspects into the frame and to develop a coherent and manageable balance.

This paper takes a closer look at the references to commonality, which are a salient, albeit ambiguous feature of the current discussion on Arctic governance. It does so from a legal perspective and with the purpose to unveil a twofold divide in the discussion. Legal and political purposes intersect and they vary depending on whether they are made from an Arctic or a non-Arctic perspective. Despite similar rhetoric, intentions may differ greatly and it is not unusual that different players refer to the law in irreconcilable or controversial ways. In a first step, the variety of references to commonality is charted and the underlying rhetorical strategies are carved out. In a second step, the references' legal accuracy and their conceptual contribution to the development of a legal framework for Arctic cooperation are analysed. This should enable a better understanding of the diverging intentions and strategies at play in the discussion and the difficulties to reach a common understanding of how to govern the Arctic region.

Commonality in discourses on the Arctic

With respect to the Arctic, commonality is referred to in many different fora, including in political statements, official policy papers and pleas made by diplomats in academic settings. Most of these references do not seek exclusively – if at all – to be convincing from a legal perspective, but they all strive to be politically compelling. And yet, they are often made in contexts where politics and law are inextricably intertwined and where the law is even expressly mentioned – albeit at times in ways that cast doubt on whether the law is correctly interpreted or understood. How is commonality referred to? What do these references reveal about the legal stances taken by states with regard to the Arctic and what messages do they convey? These are the main questions addressed in this first part.

References to commonality…

The following review of expressions recently used or reported is admittedly anecdotal and focuses on the clearest and therefore sometimes most contentious references. The purpose is to provide a good sense of the variety of references to commonality that may be encountered in the debate on Arctic governance, as they all potentially influence the legal framing of the region and Arctic cooperation.

Different formulations notwithstanding, the references always correlate to either a perspective of regional Arctic commonality or a perspective of global commonality regarding Arctic issues. The distinctly Arctic perspective of commonality is characteristic of the Arctic states' view. The Ottawa Declaration, which establishes the Arctic Council as a facilitator of cooperation among Arctic states "on common Arctic issues", according to article 1 (a), is clearly based on the concept of a regional common. Rothwell (2008: 247) explains that the Arctic Council's mandate is to promote "discussion of issues of common interest amongst the Arctic states", obviously considering Arctic commonality

as the main motivation for the Arctic Council's establishment. Canada's Northern Strategy stresses the Arctic Council's key role in developing a "common agenda" among Arctic states (Canada 2009: 35). It underscores the need for Canada to work closely with its Arctic neighbours to achieve the Arctic states' "common goals" and emphasizes interests that Canada shares with its Arctic neighbours, such as climate change adaptation, oil and gas development, oceans management and scientific cooperation (Canada 2009: 33 and 35). The United States' National Strategy for the Arctic Region, for its part, insists on "common interests" that make Arctic states ideal partners of cooperation (U.S. 2013: 9). It highlights the successful cooperation within the Arctic Council, considered a facilitator of cooperation on "myriad issues of mutual interest," and notes that cooperation has led to "much progress on issues of common concern," such as search and rescue as well as pollution prevention and response (U.S. 2013: 2 and 9). Although the Strategy concedes that Arctic states share "common objectives in the Arctic region" with non-Arctic states and other non-Arctic stakeholders, it asserts that these objectives must be advanced "in a manner that protects Arctic states' national interests and resources" (U.S. 2013: 10). Yet, John Kerry, U.S. Secretary of State, when taking over the chairmanship of the Arctic Council in Iqaluit in 2015, explicitly called on the "entire world" to address climate change, the region's biggest challenge (Kerry 2015). It remains to be seen whether this marks a shift in attitude and whether this "shared responsibility" will indeed yield greater weight for non-Arctic states in Arctic cooperation, as these states have long sought.

Statements from the realm of non-Arctic states have indeed long conveyed the idea that the Arctic is a global common, or at least of global interest. One of the clearest and most striking expressions of global commonality has been to label the "Arctic" as "common heritage of mankind" (Shackelford 2009). The former German Foreign Minister, Guido Westerwelle (2012: 3), used this qualification to describe the Arctic Ocean, whereas Georg Witschel (2010: 34), legal adviser of the German Foreign Office, mentioned it with reference to the high seas of the Arctic Ocean, clarifying however that "[t]his [concept was] particularly relevant as far as sea-bed resources [were] concerned."

While Chinese academics are more vocal than Chinese officials (Alexeeva & Lasserre 2013), some striking statements are attributable to the official realm. Qu Tanzhou, director of the Chinese Arctic and Antarctic Administration, is quoted as having mentioned the concept of "common heritage of mankind" in a blurred reference to the Arctic high seas and "resources in the seabed" (Wang 2010; Chinese (slightly different) version: 王茜 2010). Hu Zhengyue, China's assistant Foreign Minister, called on Arctic states to bear in mind the relationship between the extended continental shelf and the international seabed areas, "which are a common heritage of humankind" (Hu 2009). In their English translation, his words were sometimes received as establishing a link between the coastal States' continental shelves and the international Area (Chao 2013: 482; Wright 2011: 29). The Chinese Rear Admiral, Yin Zhuo is quoted as saying in 2010 that "[a]ccording to the UN law of the Sea, the North Pole and areas surrounding it do not belong to any country but are common wealth of the whole human population" (Kopra 2013: 110). Yin Zhuo reportedly said, with respect to the Arctic Ocean, that "except for areas of territorial sea, all other parts [were] international waters" and thus a "common legacy of humankind," which he considered a longstanding legal basis (Anonymous 2013a).

In these statements, not only the term 'common', but also the words 'mankind' and 'human' convey the idea of global commonality. The latter signal furthermore that the interest in the Arctic is not a matter of sheer geographical proximity. Rather, all of humanity, not first and foremost States, has stakes in its inherited wealth, irrespective of the world's political organisation and of the Arctic's remoteness.

A variation to the 'common heritage of mankind' is put forward by Witschel's (2010: 34) description of the Arctic region as an "ecological heritage of mankind". In this expression and its focus on the heritage's ecological dimension, the interest of humanity appears even more natural. Transboundary, even global commonality unmistakably emerge from this emphasis on humanity over statehood.

The idea of commonality is less obvious, but still perceptible in references that do not use the words 'common' or 'human(kind)', but underscore shared interests or concerns. Indeed, Huang Xing, the Chinese Ambassador to Finland, reportedly said that the healthy development of the Arctic "is a matter which not only concerns the surrounding countries of the arctic [sic] but also concerns other members of the international community" (Anonymous 2013b; Chinese version: 李骥志 2013). A spokesman of the Foreign Ministry, Hong Lei, is quoted as having declared that "Arctic-related issues are not only regional matters, but also cross-regional matters involving climate change and navigation" (Kopra 2013: 110). According to the EU, the Arctic states and the EU have "a shared interest" in sustainably developing the Arctic's economy in sectors such as mining, shipping, fishing, sealing and tourism (E.U. 2012). Much in the same way, Germany's Arctic Policy Guidelines stress the need for "Arctic resources [to be] used in a sustainable way, in the interest of the Arctic countries and of the international community" (Germany 2013: 11).

… and their connotations and intended meanings

All these references to commonality arguably pursue specific rhetorical and political objectives that deserve to be investigated. Political discourse relies mostly on ordinary language, as it is meant to be understood by specialists and laymen alike. And even if technical language is used, it might not be recognized as such, so that it is interpreted in accordance with the ordinary meaning of the words used. According to the Oxford English Dictionary (2014), the semantic field of the term 'common' covers several meanings of 'natural commonality' including to be "of general, public, or non-private nature", of "belonging equally to more than one […]" or even of "belonging to all mankind alike […]", but it also extends to 'stipulated commonality' of "belonging to more than one as a result or sign of co-operation, joint action, or agreement". The noun 'commonality' means notably the "state or quality of being in common with, or shared by, others" and "a shared feature".

What conclusions can be drawn regarding references to the word 'common' or variations thereof in discussions on Arctic governance? First of all, commonality implies two different, but related meanings: the idea of collectiveness and, in legal terms, of collective entitlement and the idea of sharing. While the idea of collectiveness suggests that every member of a group that arises out of a given commonality has a legitimate interest, or in some cases even a legal right, in taking part in the shaping of the group's destiny, the idea of sharing points to the joint – and not exclusive – benefiting from the common good, but also to the joint bearing of related burdens.

The connotation of benefiting and of burden-sharing both resonate in the debate on Arctic governance. Non-Arctic states clearly voice their interest in the Arctic's natural resources (cf. EU 2012: 9). Some of the Arctic's significant deposits of natural resources have been exploited for many years, at least on shore. The 2008 U.S.G.S. report, which estimates that one fifth of the Earth's undiscovered and recoverable resource deposits of oil and gas are located in the Arctic, further fuelled the non-Arctic states' interest. At the same time, non-Arctic states, in particular members of the European Union, have also expressed concern as to the preservation of the fragile Arctic environment and to the necessity of limiting the risk of pollution and other environmental destruction that increases significantly with growing commercial and industrial activities, such as navigation and resource exploitation (EU 2012: 6; see also Germany 2013: 1).

Furthermore, the idea of commonality has strong appeal because it implies natural relatedness to the issue(s) at stake. However, as the distinction between an Arctic and a global perspective of commonality reveals, the notion of relatedness is, in fact, very malleable. When conceived in a global perspective, as by non-Arctic states, commonality suggests inclusiveness, converging interests and coinciding concerns. Consequently, the interest in having a say appears as if it were a natural right: if the Arctic's development and protection is a global concern, its governance cannot be left to the Arctic states alone. Non-Arctic states indeed mention the physical changes in the Arctic triggered by global warming in the same breath as environmental risks caused by human activity in the Arctic, including resource exploitation and shipping (cf. Germany 2013: 4; EU 2012: 2), which links the issue of global warming to issues that, from a legal viewpoint, are not international issues to the same degree (navigation and research) or even international issues at all (resource exploitation) (LOSC 1982: parts V, VI, VII, XI, XIII). Associating global warming, which undeniably requires global action, with various aspects of Arctic governance arguably intends to tie Arctic governance to global action.

The Arctic states' approach, which seeks exclusiveness, is in stark contrast to this reasoning. Instead of a general, all-encompassing commonality, these states advocate a specific, functional commonality. Their understanding of commonality is selective, as affiliation to the community depends on a set of conditions. Such agreed commonality led to the establishment of the Arctic Council, whose members cooperate upon the (implicit) criterion that they are "Arctic States" given that part of their territories stretch north of the Arctic Circle (Ottawa Declaration 1996).

The difficulty with such selective commonality is to identify a politically and legally convincing specificity. While the 'Arctic Eight' have similar problems and interests, their Arctic nature does not bestow upon them the same kind of functional commonality shared by the 'Arctic Five', *i.e.* the coastal states (Canada, the United States, the Russian Federation, Norway and Denmark/Greenland). These states' commonality is indeed rooted in the law of the sea, which invests them with particular powers and rights and, thus, a particular role in the Arctic. This was underscored by the Arctic Five at an exclusive conference held in 2008 in Ilulissat (Ilulissat Declaration 2008). Concerned that the larger Arctic community could be divided and weakened, the remaining three Arctic states disapproved of the conference, as well as of the following Arctic Five conference held in 2010 in Chelsea (Dodds 2013; Petersen 2012). Since that time, the Arctic Council's members have achieved a balanced compromise between the coastal states' and the non-coastal states' interests. In the *Vision of the Arctic*,

adopted at the 2013 Arctic Council's ministerial meeting held in Kiruna, Sweden, the eight Arctic states, after recalling that they have, among other things, "achieved mutual understanding and trust, addressed issues of common concern", reassert their primacy over non-Arctic states in Arctic affairs. Consequently, they confirm that full membership in the Arctic Council and decision-making remains exclusively with them. They also reiterate their commitment to the law of the sea, acknowledging implicitly the coastal states' pre-eminence regarding several issues. While accounting for their varying legal situations, the Arctic states clearly set themselves apart as a distinctive group with specific interests and concerns that warrant their predominant bearing on the region's governance and in doing so, mean to ward off sweeping claims of cooperation coming from non-Arctic states.

The law – and politics – of a 'common Arctic'

There is little doubt that Arctic states are entitled to participate in Arctic decision-making. However, the opinion prevailing among non-Arctic states to the effect that international cooperation on the Arctic is warranted requires some scrutiny. The discourse promotes the idea of a 'global common Arctic' and often confirms explicitly that interstate relations regarding Arctic matters should take place within the existing legal framework. Yet, what precisely would make the Arctic a common issue from a legal perspective? What is the legal value and accuracy of references to the 'common heritage of mankind' and similar expressions? Is there any legal value to affirmations of the international community's 'interest' or 'concern' regarding the Arctic? This part will provide some thoughts on these questions.

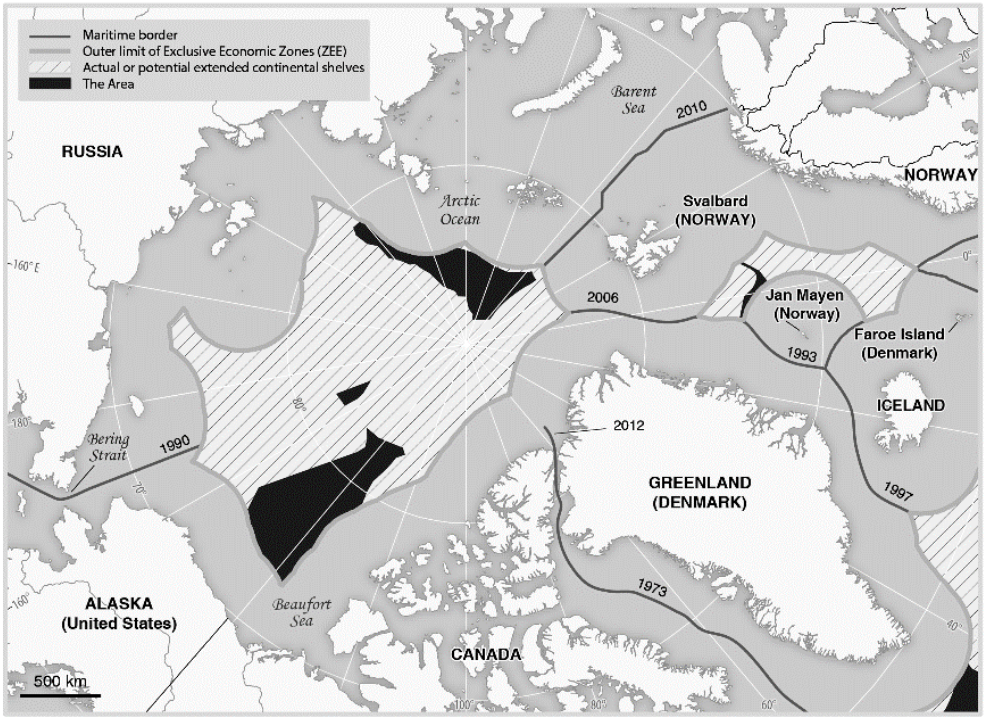
Variations on the theme of 'common heritage of mankind'

From a legal perspective, references to the 'common heritage of mankind' have potentially far-reaching consequences, but it is questionable whether the concept is always referred to properly in the Arctic debate. Emerging amidst newly independent states' growing concern for resource allocation and their nascent calls for better (economic) chances and a new international economic order (c.f. Declaration on the Establishment of a New International Economic Order 1974), it was put forward in 1967 by Arvid Pardo, a Maltese diplomat with the United Nations (Malta 1967; Pardo 1967). Pardo's speech contributed to spark off negotiations that eventually led to the conclusion of the 1982 LOSC. The latter confers to the deep seabed – or "Area" – and its resources the status of common heritage of mankind (LOSC: article 136). The initial legal regime underwent substantial modification prior to the convention's entry into force (Implementation Agreement 1994). However, the Areas' status still entails that it is an international space (LOSC: article 137), that its exploitation is internationally supervised and that the resulting proceeds are subject to some measure of international redistribution, for the "benefit of mankind" (LOSC: article 140).

The sharing of the benefits for the sake of equity among states and regardless of the individual state's capacity to actually undertake resource exploitation is the most distinctive feature of the concept of common heritage of mankind (Lodge 2012). The concept's language further imbeds the resource management in a long-term perspective: regardless of individual States' capacity to exploit the resources at a given moment, all of humanity, present and future, should benefit from their wealth.

The concept appeals to non-Arctic states, for all states are required to respect the Area's international nature, but are also entitled to participate in its management and wealth. The concept's territorial scope is however limited to the Area, that is, "the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction" (LOSC: article 1 (1)). The concept therefore only applies beyond the continental shelves' outer limits. The coastal states' extensive claims on the Arctic continental shelves suggest that there will be only small pockets of the Area left in the Arctic Ocean (see following map; see also Kullerud *et al.* 2013). What is more, located in the middle of the ocean, likely to remain under permanent ice for some time and arguably not very resource-rich, thee pockets currently seem of little economic interest.

The Arctic Ocean floor: continental shelves and remaining pockets of Area



Source: Data compiled by Frédéric Lasserre in accordance with Frédéric Lasserre, "La géopolitique de l'Arctique : sous le signe de la coopération", CERISCOPE Environnement, 2014, [online], URL : http://ceriscope.sciences-po.fr/environnement/content/part5/la-geopolitique-del-arctique-sous-le-signe-de-la-cooperation; Government of Denmark, Continental Shelf Project, http://a76.dk/lng_uk/main.html; Government of Canada, Extended Continental Shelf - Canada's Action Plan 2014, http://actionplan.gc.ca/en/initiative/extended-continental-shelf.

It is the indiscriminate way the common heritage of mankind is referred to in recent debates that make these statements questionable. Considering "the Arctic Ocean" a common heritage of mankind conflates the different maritime zones and ignores the sophisticated distinctions in the law of the sea. It is no less legally inaccurate to regard "the high seas of the Arctic Ocean" as a common heritage of mankind. The high seas, although not subject to sovereignty either (LOSC: article 89), are governed by the principle of freedom of the seas (LOSC: article 87). It is of course possible for the international community to collectively limit the freedom. The 'Arctic Five', for example, recently appealed in the Declaration concerning the prevention of unregulated high seas fishing in the central Arctic Ocean (2015) to the international community to join efforts to protect Arctic living resources. Under the auspices of the UN General Assembly, preparatory work is underway on a much more comprehensive project, a treaty on the conservation and use of marine biological biodiversity in areas beyond national

jurisdiction (Ad Hoc Open-ended Informal Working Group 2015). However, the fact remains that none of the characteristics of the Area's legal regime – international management and benefit sharing – currently applies to the high seas.

Statements that mention the Arctic's Area, continental shelves and high seas in the same breath as the common heritage of mankind carry the risk of confusion. Deliberately or not, by omitting to distinguish thoroughly between the different maritime zones, they may create the impression that the whole (marine) Arctic is considered a common heritage of mankind.

With respect to statements made by Chinese officials, translation problems may compound misunderstandings, misinterpretations or misuses. Zhuo, for example, while articulating the view that all parts of the Arctic Ocean, except the territorial sea, are international waters and, as such, part of the "common legacy of humankind", does not use the exact English expression of the LOSC, but nevertheless expressly refers to the legal concept (CRI 2013). According to Chinese legal scholars, such Chinese statements do not imply that the Arctic as a whole is indeed a common heritage of mankind, but are meant to remind Arctic coastal states of the consequences of their claims on extended continental shelves for the remaining international seabed (Liu *et al.* 2012: 375 and 378). While this interpretation seems to be in line with "the Chinese persistent principle of respect for sovereignty and the international affairs of other states" (Liu *et al.* 2012: 375), it is difficult to reconcile with several statements' wordings. And as Jakobson (2010: 13) cautions, there is a risk that repeated misuse of certain legal concepts in political discourse leads to their perception as the prevailing legal situation.

Legally questionable conflation can result from imperfect knowledge of the law or be a rhetorical strategy. As both can be mutually supportive, it may be impossible to tell them apart. In either case, collective management and benefit-sharing might be taken to apply to zones that do not qualify as common heritage of mankind, be they international– *i.e.* the high seas – or under coastal state jurisdiction – *i.e.* the continental shelves and the exclusive economic zone. Slightly different expressions, such as "ecological heritage of mankind" and "common legacy of humankind", do not give cause for criticism from a strictly legal point of view. The first phrase in particular seems to move intentionally away from the legal term. While neither expression has any legal value, both might however do the political trick. Their lexical proximity to the legal concept, depicting the Arctic as an international space, draws upon connotations that insinuate that the Arctic's resources call for international management and sharing.

Even references to the principle of common heritage of mankind that are legally correct may appear in a twilight. Winkelmann (2013: 329), for instance, puts emphasis on the support the principle lends to the non-Arctic states' interest, or entitlement, to take part in discussions that he does not further specify and that would be, from a strictly legal perspective, of a far more limited scope than the one that seems to be politically intended.

Innovations through the concept of 'common concerns'?

Statements that merely imply commonality, considering Arctic issues of "concern" to or as "a shared interest" of the "international community", seem driven by a different strategy and less ambitious

objectives, for the terms apparently lack legal connotations. Despite the less blunt approach, however, states still convey the wish to be heard and involved in Arctic governance.

Environmental problems that extend beyond borders are arguably best addressed by cooperation (Rio Declaration, 2012: Principle 7). Yet, as Simma (1994: 247) states, it is one thing to recognize community interests such as environmental protection, but quite another to draw meaningful conclusions. Although the international legal order's cardinal principle of state sovereignty has been questioned for hampering collective action to address serious environmental problems, it systematically prevails in international instruments and practice (Bothe 2006). Even the duty to cooperate for the benefit of the global environment is still based on the principle of states' sovereignty. In this legal context, it is not surprising that whenever non-Arctic states suggest a more cooperative approach to Arctic governance, the Arctic states insist upon their sovereignty and jurisdiction.

While the duty of cooperation is well-established in international environmental law, it provides little operational guidance. States are left on their own to choose the appropriate *modi operandi* and to determine their cooperating partners. Consensus emerges on a case-by-case basis among interested states. Regarding the Arctic, the political wrangle over the best governance model and legitimate, legally relevant participants is in full swing (Young 2011). The related question of the best legal approach has given rise to the idea of basing Arctic governance on a comprehensive treaty (see discussion by *inter alia* Jabour 2015; Charron 2015; Young 2011, Duyck 2011; Huebert 2009; Koivurova 2008). While the Antarctic model, as favoured initially by the European Parliament (2008: para. 15), is unacceptable to the Arctic states, the option of a comprehensive legal framework for Arctic governance – provided it takes into consideration the presence of sovereign states in the Arctic – is certainly not *per se* unreasonable. So far, however, the Arctic states have consistently balked at this option.

Meanwhile, non-Arctic states, keen to strengthen their role, assert that their participation in cooperation is as useful as it is warranted and legitimate. They highlight the input they may provide, such as scientific knowledge and expertise (EU 2012: 6) or support for law-making (Germany 2013: 7). They emphasize the Arctic (coastal) states' obligations, particularly regarding navigation and scientific research (Germany 2013: 7; Gao 2012: 143), insisting on what Baker (2014: 490) calls "shared sovereignty". Most importantly, however, they do not tire of stressing the need to combat climate change, the fragility of Arctic ecosystems and the effects that changes in the Arctic cause beyond (EU 2012: 6 *et s.*; Germany 2013: 4 *et s.*).

In this context, Liu *et al.* (2012: 378) contend that the concept of "common concern of humankind" offers a basis for China's participation in Arctic affairs. Its uncertain legal status and scope and its absence in the political discourse notwithstanding, the concept might provide a potential alternative to traditional legal devices that, rooted in a transboundary rationale, fail to yield satisfactory solutions. Regardless of whether they originate within or beyond national jurisdiction, environmental concerns are captured by the concept for they are common to states in the sense that all states benefit from protective actions (Brunnée 2008: 564; c.f. Birnie *et al.* 2009: 128 et s.). The concept can be traced back to the 1946 Whaling Convention's slightly different "common interest" (Kiss & Shelton 2004: 32), but it is the Rio instruments that give the "common concerns of humankind" their concrete meaning

(Rio Declaration 1992; UNFCCC 1992; CBD 1992). Further treaties address issues of common concern (*e.g.* Ramsar Convention 1971; UNESCO World Heritage Convention 1972; Vienna Convention 1985; Montreal Protocol 1987) and arguably the LOSC and the Fish Stocks Agreement (1995) are among them (Birnie *et al.* 2009: 128). The concept is currently confined to treaty law, where consensus on complex issues and detailed legal regimes are more easily achieved (Brunnée 2008: 565).

The obvious question then is what legal impact, if any, the concept has. Brunnée (2008: 566) suggests that it "signals that states' freedom of action may be subject to limits even where other states' sovereign rights are not affected in [a direct transboundary way]" and she proposes accordingly to "conceive of the concept of common concerns as entitling, perhaps even requiring, all states to cooperate internationally to address the concern."

The concept's contribution therefore appears to boil down to another, perhaps broader, duty to cooperate. However, even if states might agree that the environmental changes in the Arctic are of common concern, uncertainties would remain as to the issues to be addressed collectively, as to the states entitled to participate in cooperation and as to their respective roles. The current wrestle to come to grips with these aspects takes place against the backdrop of fragile institutional achievements, delicate relationships among Arctic states and the latter's apprehension of uncontrollable shifts in power and influence, which make the consensus-finding process very complex. All these aspects are intricately interwoven and the concept of common concerns provides no real guidance to address them.

Recent use of the concept might even bear the risk of discrediting it. Indeed, Liu *et al.* (2012: 379), drawing on the consideration that climate change in the Arctic is a common concern, argue that climate change negotiations should also address related problems, including Arctic biodiversity, navigation, fisheries and indigenous rights. While the authors insist on the coastal states' sovereignty, their argument implicitly plays down the Arctic states' particular situation. Their rights and interests as well as the concern of finding tailor-made solutions to Arctic problems might indeed get lost in climate change negotiations that have their own focus and follow their own dynamics.

The concept of common concerns may perhaps benefit the Arctic debate insofar as it reminds states that "sovereignty is not unlimited or absolute" (Birnie *et al.* 2009: 130). A more cooperative approach might indeed "smooth the hard edges of state sovereignty" (Archer 2014: 404). However, the concept does not question state sovereignty as a pivotal feature in interstate relations, nor can it be used to contest the Arctic states' leading role in Arctic affairs, which remains justified by the law.

Conclusion

It is the tragic irony of the Arctic that the tremendous natural disaster of rising temperatures and melting ice is perceived by many states as an opportunity. New seaways, new resource exploitation sites, new geopolitical areas of influence seem to emerge and have stirred up some political excitement. The physical changes, new activities and evolving interests in the Arctic have caused the need to adapt the governance of the region. In this context, the framing of a 'common Arctic' appears as a strategy used by Arctic and non-Arctic states alike in order to position themselves on the international

chessboard. Interpretations of what a 'common Arctic' means diverge however greatly. The Arctic states, interpreting the Arctic as a regional common, insist on their priority for geographical reasons and related territorial sovereignty or sovereign rights. Non-Arctic states, for their part, construe the Arctic, at least in some respects, as an international common, relying on resource-related or on environment-related (quasi-)legal concepts.

As the legal analysis shows, the resource-related concept of common heritage of mankind is misguided and misguiding, as it does not apply to the whole Arctic, but only to a marginal part of the central Arctic Ocean. The environment-related concept of common concerns, is of uncertain legal status, but might be a useful reminder that cooperation should be favoured to address the Arctic's environmental problems. However, the ongoing power game in the Arctic must be seen against the backdrop of economic and geopolitical opportunities. Although environmental problems receive indeed much attention in the current debate on Arctic governance, there is reason for concern that references to environmental issues are mere tokenism. Only incisive decisions to address the Arctic's environmental problems and determined action to slow down global warming could prove wrong those who see in the environmental arguments only a fig leaf in the struggle over influence and involvement in Arctic issues.

This is not to say that a comprehensive cooperation scheme could not emerge from an environment-focused collaboration. Given the frequent interrelation between environmental problems and economic and geopolitical issues, the latter would inevitably have to be addressed, at least incidentally. Whatever the scope of cooperation, however, Arctic States' sovereignty and sovereign rights must be respected. This means that measures related to international areas or activities require a different approach than measures related to areas or activities subject to coastal states' jurisdiction or sovereignty. Nevertheless, the Arctic states would benefit from acknowledging non-Arctic states' rights and legitimate interests. Regarding the protection of the Arctic environment, the duty of cooperation on environmental matters and the concept of common concern provide good legal arguments for an inclusive approach. In the context of ongoing negotiations for a new balance of power in and over the Arctic region, the challenge for Arctic states is to not let their – of course vital – awareness of non-Arctic states' more self-serving interests stand in the way of cooperation. Whether the Arctic Council provides the appropriate forum for broader and more inclusive cooperation and whether such cooperation would benefit from a treaty-based approach instead of the prevailing ad hoc approach are questions that are beyond the scope of this article, but no less relevant. What seems important to note here is that there is more than one way to conceive of a 'common Arctic'. Although they may seem contradictory at first sight, these different approaches can be used in a complementary manner. Indeed, 'common' does not necessarily entail identical status, rights and influence for the interested states. A 'common Arctic' could be a fruitful project, if it means that interested states pursue the shared goal of cooperating on Arctic issues in a peaceful, efficient, environmentally sound and politically differentiated way.

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Foreign & Domestic Discourse on the Russian Arctic

Ieva Bērziņa

The strained relations between the West and Russia regarding influence in Ukraine may lead to an increase in tension in other regions. The Arctic may become a potential zone of conflict due to its rich natural resources, new transportation routes, military significance, and unsolved territorial issues. The aim of this paper is to identify the governmental discourse of Russia's top officials describing Russia's state policy on the Arctic for foreign and domestic audiences. The paper focuses on the period from 2013 till 2015 when tensions in the relationship between Russia and the West increased due to the crisis in Ukraine. The units of analysis are public statements by senior officials of the Russian Federation in speeches and reports in the media. The major finding is that the Arctic should serve in Russian-Western rapprochement rather than becoming the next geopolitical hot spot.

Introduction: the regulatory framework of Russian Arctic discourse

This article aims to identify how Russian senior officials are communicating Russia's policy on the Arctic, the main guidelines of which are defined in several documents. The basic documents that the Russian government mentions as being the key decisions on Arctic operations (Government of the Russian Federation 2015) include: *Foundations of Russian Federation State Policy in the Arctic through 2020 and beyond* (2008, September 18); *The Development Strategy of the Russian Arctic and national security for the period until 2020* (2013, February 20); *State Program of the Russian Federation 'Socio-economic development of the Arctic zone of the Russian Federation for the period till 2020'* (2014, April 21); *Regulations on the State Commission on the Development of the Arctic* (2015, March 14); and *The Northern Sea Route Comprehensive Development Project* (2015, June 8). The first, *Foundations of Russian Federation State Policy in the Arctic through 2020 and beyond,* is the seminal document that lays the grounds for the implementation of state policy in the Russian Arctic. The development strategy document and the state program of socio-economic development of the Arctic zone document logically and sequentially follow on from the first document. The establishment of the State Commission on the development of the Arctic document is a significant step in the improvement of Russian Arctic governance. The project on the Northern Sea Route is aimed at the development of navigation up to 2030, but this document is classified.

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Foundations of Russian Federation State Policy in the Arctic through 2020 and beyond defines the main objectives, tasks, strategic priorities and mechanisms of the Russian Federation's state policy on the Arctic, as well as a system of measures on the strategic planning of socio-economic development and Russia's national security in the Arctic. According to the document, Russia's national interests in the Arctic include: 1) the use of the Russian Federation's Arctic zone as a strategic resource base for the Russian Federation, in this way providing a solution to the social and economic development problems of the country; 2) the preservation of the Arctic as a zone of peace and cooperation; 3) the conservation of the unique ecosystems of the Arctic; and 4) the use of the Northern Sea Route as a national integrated transport communication route for the Russian Federation in the Arctic (*Foundations of Russian Federation State Policy in the Arctic through 2020 and beyond* 2008: 2). So, Russia's key areas of national interest in the Arctic are natural resource extraction, international cooperation, environment and logistics.

In the seminal document, Russia's main goals in the Arctic are structured around six areas that are also defined as priorities in the development strategy: 1) socio-economic development – to expand the resource base for Russia's need for raw materials; 2) military security and the defence and protection of the state border – to ensure a favourable operational regime; 3) environmental safety – to protect the environment of the Arctic; 4) information technology and communication – to create a unified information space in the Arctic; 5) science and technology – to accumulate knowledge and to create modern scientific and geographic information bases for the management of the Arctic territories; and 6) international cooperation – to provide mutually beneficial bilateral and multilateral cooperation with the Arctic states (*Foundations of Russian Federation State Policy in the Arctic through 2020 and beyond* 2008; *The Development Strategy of the Russian Arctic and national security for the period until 2020* 2013: 3-4).

The foundations document also sets a time frame for the implementation of Russia's national interests in the Arctic. The three stages of development highlight the key milestones in the implementation of Russia's state policy on the Arctic. During the first phase from 2008 till 2010, Russia must prepare materials to justify the external border of its Arctic zone, broaden international cooperation, and implement various target programs and investment projects on the basis of public-private partnership. The main tasks of the second phase from 2011 till 2015, are to ensure international legal formalization of the external border of the Arctic zone, to restructure the economics of the Arctic zone based on the mineral-resources and aquatic biological resources in the region, to establish and develop infrastructure and a management system for Northern Sea Route communications for Eurasian transit, and to complete the establishment of a unified information space in the Arctic. The third phase from 2016 till 2020, should ensure the transformation of the Arctic zone into the leading strategic resource base of the Russian Federation.

In general, the implementation of state policy in the medium term should allow Russia to maintain its role as the leading Arctic power and is aimed at increasing comprehensive competitive advantages for the strengthening of Russia's position in the Arctic (*Foundations of Russian Federation State Policy in the Arctic through 2020 and beyond* 2008: 9-10). The subsequent documents specify the ways for achieving this goal. *The Development Strategy of the Russian Arctic and national security for the period until 2020* (2013)

defines the basic mechanisms, and the ways and means to achieve the strategic goals and priorities for the sustainable development of Russia's Arctic zone and its national security. The *State Program of the Russian Federation 'Socio-economic development of the Arctic zone of the Russian Federation for the period till 2020'* (2014) includes the activities of the Russian Federation's sectorial national programs being implemented in the Arctic zone.

The State Commission on the Development of the Arctic is a coordinating body, providing for interaction between federal executive bodies, the executive bodies of subjects of the Russian Federation, other state agencies, local governments and organizations in addressing the socio-economic and other tasks related to the development of the Russian Federation's Arctic zone and its national security. The objectives of the commission are the protection of the Russian Federation's national interests in the Arctic and the achievement of the strategic objectives defined in *Foundations of Russian Federation State Policy in the Arctic through 2020 and beyond*, as well as a radical increase in the efficiency of governance in the Russian Federation's Arctic zone (*Regulations on the State Commission on the Development of the Arctic* 2015).

Method

Discourse analysis has become a widely used research method in the study of international relations (Milleken 1999; Holzscheiter 2014). This is due to the fact that the political process, to a large extent, is constituted by acts of communication, and discourse analysis is a useful tool for understanding the relationships between concrete language use and wider social and cultural structures (Titscher, Meyer, Wodak & Vetter 2007: 149). Political text and talk have political functions and implication (Van Dijk 1997: 14), therefore discourse analysis makes it possible to clarify the strategy behind political communication. The aim of the paper is to identify and compare foreign and domestic governmental discourse on the Russian Arctic as it is used by top officials from the Russian Federation. The analytical approach in this paper is based on the three stage discourse analysis process as is defined by N. Fairclough (1996: 26). The first step is the selection of the text units being used in the analysis. The next steps are interpretation and explanation by putting the text into a wider political context.

The documents containing the text units have been selected by using Google search results with the keywords being the surname of the Russian Federation official in combination with the name "Arctic." The selection of the top officials, whose statements and speeches were used in the analysis, was based on the consideration that the strategic level of Russia's state policy on the Arctic relating to the implementation of its national interests in the region and its interaction with other countries had to be covered. Obviously, it is not possible to draw a clear line between the officials' foreign or domestic discourse, because their statements can be perceived by both audiences. However, the discourse addressed to foreign audiences was identified by using officials who are authorised to represent Russia's foreign policy, the context of the discourse (for example, if it has been used at an international conference); and the source of the information (for example, an interview given to foreign media). Domestic discourse was identified by using officials whose activities are primarily focused on domestic issues and the sources of information – Russian news agencies and media, and the Russian language.

Statements by the Russian Foreign Minister Sergey Lavrov, Senior Arctic Official Vladimir Barbin, former Senior Arctic Official Anton Vasiliev, and Russia's Envoy to NATO Alexander Grushko were primarily selected for understanding the foreign discourse. Statements by the President of Russia Vladimir Putin, the Special Representative of the President of the Russian Federation for International Cooperation in the Arctic and Antarctic Artur Chilingarov, and Defence Minister Sergei Shoigu were very much targeted at both audiences. Domestic discourse was identified by using the viewpoints from the Chairman of the Arctic Commission Dmitry Rogozin, Russian Security Council Secretary Nikolai Patrushev, and sectoral ministers.

The messages for foreign audiences were searched using the keywords in English, whereas for domestic audiences, in Russian. In total, more than 40 documents – publications and broadcasts in the media, and the speeches of officials – were selected. The selection of documents was completed, when no new relevant information for the period from 2013 to 2015 was provided. The analysis was qualitative and inductive. The analytical categories were defined through text analysis, based on the interpretation and explanation of the researcher. It is especially important to mention that foreign and domestic discourse cannot be treated as separate entities – they have to be viewed in interaction, because in this way a better insight into its political use by Russia is provided.

Governmental discourse on the Russian Arctic

Five categories of analysis were defined for structuring Russian Arctic foreign and domestic discourse as used by Russian officials: 1) Russia's national interests in the Arctic; 2) international cooperation; 3) Russia's perception of other countries' strategies; 4) militarization of the Arctic; and 5) symbolic actions. The statements by Russian officials were arranged and analysed according to these categories. Table 1 at the end of the article contains a summary of the findings.

Russia's national interests in the Arctic

The Arctic is a region of historical importance for Russia's strategic development and its national pride (Laruelle 2014). In the last decade, it once again became one of the priority regions for Russia after a period in oblivion during the collapse of the USSR. The strategic importance of the Arctic has been stressed by several top officials. In 2013, V. Putin noted that Russia had returned to a very promising region – the Arctic; therefore it should have all the levers for the protection of security and national interests there (Forbes 2013). Around the same time, the importance of the Arctic was also underlined by S. Shoigu (Rossiya 1 2013). A. Chilingarov stated that Russia's future was inextricably linked with the fate of the polar regions, and their development should be a national priority. This is mainly because, in the future, the Arctic will become the main resource base for the country – it is estimated that by 2050, the Arctic shelf will provide 20 to 30% of total Russian oil production (Rikin 2014).

During the meeting of the Security Council of the Russian Federation in 2014 on the implementation of state policy in the Arctic, V. Putin pointed out the main steps to be taken to preserve influence in the region. He defined six key tasks: 1) to improve the quality of governance by establishing the Arctic Commission; 2) to implement the *State Program of the Russian Federation 'Socio-economic development of the Arctic zone of the Russian Federation for the period till 2020'*; 3) to implement the international legal

formalization of the outer borders of the continental shelf of Russia in the Arctic Ocean; 4) to develop the Northern Sea Route; 5) to provide environmental security; and 6) to provide integrated security for the Russian Arctic zone and to create a new generation unified system of surface ships and submarines (Kremlin 2014). The tasks named by V. Putin are in accordance with Russia's national interests in the Arctic as defined in *Foundations of Russian Federation State Policy in the Arctic through 2020 and beyond*.

As a priority region, the Arctic, for Russia, also has geopolitical significance. In A. Chilingarov's view, during the first two decades of the 21st century, Russia will primarily be associated with the development of the Arctic shelf in a similar way as the space exploration and large-scale infrastructure projects in Western and Eastern Siberia at the time of the Soviet Union (Rikin 2014). D. Rogozin has admitted that without the Arctic, Russia cannot maintain its status as a great power (Bolotin 2015). He even places the development of the Arctic into the context of the annexation of Crimea as a general strategic direction for Russia:

> Russia is beginning to feel the space and express the claims to the borders and its interests. Last year was a historic event – the restoration of the territorial integrity of Russia, a reunion with Sevastopol and the Crimea. This year there is a new look, a powerful new emphasis on the development of the Arctic. These are things of the same order (Staalesen 2015).

Linking the Crimean annexation with Russia's activities in the Arctic may indeed lead to concerns that the Arctic might be the next hot spot in Russia's relations with the West, although the foreign discourse on the Russian Arctic is different. The statements addressed to foreign audiences also include a focus on the targeted implementation of Russia's national interests in the Arctic (Vorobyov 2013), but they stress Russia's willingness to act within the framework of international legal norms. For example, one of the main points of the agenda, as explained by S. Lavrov, is the submission of a request regarding the continental shelf of the Arctic Ocean to the Commission on the Limits of the Continental Shelf (Sputnik 2014b). Thus, the foreign policy discourse is aimed primarily at demonstrating that Russia will implement its national interests in the region according to the accepted norms and principles of international cooperation. In N. Patrushev's view, with the increasing role of Arctic resources in the global economy, this region is becoming an important arena for Russia's relations with foreign partners in the field of international, military, energy and information security (Egorov 2013). So, in terms of Russia's national interests in the Arctic an internal political ambition to be the leading power in the promising region can be detected, but at the same time there is a rational understanding of the need for international cooperation and respect for international legal norms as well.

International cooperation

According to *Foundations of Russian Federation State Policy in the Arctic through 2020 and beyond* (2008: 3) some of the strategic priorities of Russian state policy in the Arctic are to maintain good-neighbourly relations with other Arctic states, both bilaterally and within regional organizations, including the Arctic Council and the Barents/Euro-Arctic region, to promote economic, scientific and cultural cooperation in the Arctic, as well as cross-border cooperation, including in the field of the efficient

development of natural resources and the preservation of the environment in the Arctic. This is in contrast to the somewhat arrogant domestic rhetoric from D. Rogozin that Russia "should come to the Arctic and to make it hers" and that it does not care for what other countries think about its activities in the Arctic (Vzgljad 2015). In his view, the development of the Arctic is characterized by a battle over the first-mover advantages in the region (Vzgljad 2013).

The foreign discourse on the Russian Arctic is very much focused on the importance of international cooperation, mutual understanding and peaceful solution of the problems. A. Vasiliev gives a specific argument as to why there is no race for Arctic resources among the Arctic states. He stresses the fact that "according to Danish experts, up to 97% of proven reserves are located in the exclusive economic zone of the Arctic States". In the view of this experienced diplomat, everything has already been divided up in the Arctic, and it is much more effective to pursue national interests in this region together (Vasiliev n.d.). In its foreign discourse, Russia emphasizes that there is a harmony of interests with other actors and indicates that there are no substantial contradictions that might lead to disagreements. For example, S. Lavrov has said:

> The priorities of the starting Canadian chairmanship in the Council are close to us – development of resources of the North, the use of the Arctic maritime transport route, support of inhabitants of the Arctic region. They are largely concordant with *The Development Strategy of the Russian Arctic and national security for the period until 2020* (Ministry of Foreign Affairs of the Russian Federation 2013).

One of the slogans often used in foreign discourse is similar to the name of the international conferences which have been organized by the Russian Geographical Society since 2011, "Arctic – the territory of dialogue." For example, this slogan was used by V. Barbin for stressing that cooperation in the Arctic Council is resistant to such external challenges as the crisis in Ukraine over which there are disagreements between Russia and the other countries of the Council (News.rin.ru. 2015). From Russia's perspective, the Arctic Council is the best platform for international cooperation. S. Lavrov states that the Arctic Council ensures the legitimate rights of the states which have direct access to the Arctic Ocean. This institution sets the rules of engagement in the region, as well as the safe and careful use of its enormous wealth. In S. Lavrov's view, no one is mentioning any conflict or talking about confrontation at this forum. Everyone is interested in the Arctic being developed through cooperation and respect for international law, including decisions about the boundaries of the continental shelf (RT 2014). A. Grushko's idea, that members of the Arctic Council proceed from the fact that the Arctic states have enough instruments to solve problems that might naturally emerge in this region by means of talks, cooperation and on the basis of international law, can be added to this (The Arctic Monitor 2015).

A. Chilingarov has expressed the view that Arctic development could actually melt the ice between Russia and the West (Rosneft 2014). His view is based on previous positive experience, for example, the Russian and Norwegian maritime delimitation agreement signed in 2010, as well as common and interdependent interests. In A. Chilingarov's view, Russia can develop the Arctic shelf on its own, but it would be more effective and less expensive for all sides to do this together with the Western partners (Rikin 2014). Here, the term "the Western partners" can be understood to include not only countries,

but also such actors as energy companies like Exxon Mobil, Total and others that are interested in cooperation with Russia, despite the sanctions. The joint US Coast Guard's and Russian Border Guard's international exercises that will take place in the autumn of 2015 can also be mentioned as another example of continuing cooperation (Sputnik 2015).

Russia's perception of other countries' strategies

The tense relations between Russia and the Western countries have been transferred at a rhetorical level to the Arctic due to the conflict in Ukraine. Russia's involvement in Ukraine provides solid grounds for the West to promote the image of Russia as an aggressor and a potential threat. In 2014, former US Secretary of State Hillary Clinton said that Canada and the US need a united front in response to Russia's aggressive reopening of military bases in the Arctic (Peritz 2014). Likewise, the former Foreign Minister of Canada, John Baird, told a Danish newspaper that Ottawa was *determined to promote and defend the sovereignty of Canada in the Arctic* against the Russian threat that manifested in the reactivation of a Soviet-era base on its north-eastern coast, and fly-bys by Russian aircraft (RT 2014).

S. Lavrov reacted to such rhetoric with a strict statement: *"There are accusations flying about that we are trying to make a land-grab during a latter-day gold rush. This is nonsense. We don't want the Arctic to become an arena of conflict"* (RT 2014). It should be emphasized, however, that an exchange of sharp words between Russia and Canada in relation to the Arctic had already been present before the crisis in Ukraine. For instance, in 2011, A. Vasiliev also had to respond to Canada's complaints about Russia's provocative behaviour in the Arctic. At that time he said that such views arise from a lack of knowledge of reality, and the inertia of human mentality (Blanchfield 2011). S. Lavrov rejected Western efforts to present Russia as being aggressive in the Arctic by stressing that Russia has legitimate rights to pursue its interests in the Arctic like any other country:

> The countries that have northern borders must ensure their security, including in the northern region, like in any other part of their territory. This is an axiom: wherever you are and whoever surrounds you, you have to think about your security, including military security. It would be naive to imagine that because we are talking about the Arctic this principle does not apply (Vorobyov 2013).

While some of the political leaders of Western countries attempt to strengthen the image of Russia as a potential threat in the Arctic region, Russian officials promote the idea that it is other countries that are attempting to make the Arctic a conflict zone. For describing the strategy of the Western countries as a whole, Russian officials often refer to NATO. In the view of S. Lavrov, NATO doctrines and analyses occasionally say that the military factor is likely to grow in the Arctic in the context of the intensifying battle for natural resources (Ministry of Foreign Affairs of the Russian Federation 2014). A. Grushko says that there is no clear NATO strategy in the Arctic, but from time to time, certain forces in NATO try to push the idea that the Arctic may soon become a battle-ground and that the alliance must secure access to energy resources in the Arctic (The Arctic Monitor 2015). Likewise, in D. Rogozin's view, NATO countries have been thinking since 2009 about building up military activity in the Arctic (Vzgljad 2013). Thus, there are no contradictions between foreign and domestic discourse with regard to the description of NATO's increasing interest in the Arctic region.

S. Shoigu also noted that developed countries that do not have direct access to the polar regions are striving insistently for the Arctic. They are taking certain political, military and economic steps in this direction (RT 2015). N. Patrushev also stressed that Arctic resources are attracting the attention not only of the Arctic countries, but are also of interest to the EU, China, Japan, South Korea and other countries. Their interest, firstly, has been determined by natural resources and new transport routes (Ivanov 2013). But according to S. Lavrov, this will not lead to an "Arctic Race," because:

> International law on Arctic waters clearly determines the rights of both coastal and other states. This includes access for developing the extraction of mineral resources, oil and gas deposits, as well as managing marine biological stocks. International law also regulates the ability of countries to expand the external border of their continental shelf. Today's complicated international situation does not create any significant changes to the established order (Sputnik 2014a).

The same position has been expressed by V. Putin who has said that although many perceive Russia's activity in the Arctic with caution and are afraid of it, Russia will act in the framework of international law (TASS 2014).

Militarization of the Arctic

The discourse around the militarization of the Arctic is the most contradictory, but it arises from the so called 'security dilemma' when an effort by one side to maximize its security increases threats to the other, thus escalating tension in international relations (Herz 1950). Russia's increasing military presence in the Arctic is based on the grounds that other countries pose a threat to Russia. V. Putin recalled that there are US nuclear submarines along the coast of Norway and that the flight time of missiles launched from them to Moscow is just 16-17 minutes (Forbes 2013). According to N. Patrushev, there is regular US Navy and Royal Navy submarine activity in the Arctic, that there are at least three weekly flights of patrol aircraft, and that about 10 major events in operational and combat training are planned to be held there every year. The US has also created a united armed forces base in Alaska, Canada is building a port in Nanisivik and a military training facility in Resolute, and Denmark has created a united command for the armed forces of the Arctic. N. Patrushev concluded that in such circumstances Russia cannot just watch war preparations by foreign countries near its borders (Ivanov 2013). Two years later, S. Shoigu announced that "a permanent military presence in the Arctic and the ability to protect the state's interests by means of armed struggle is seen as an integral part of the overall national security policy" (Shoigu 2015).

A. Vasiliev provided additional pragmatic and more neutral arguments for the increasing military factor in the Arctic. In his view, the Russian military build-up is based on Russia's concern with defending its northern regions due to climate change. Russia has a 20,000 kilometre border on the Arctic Ocean. Previously, it was a secure border of frozen ice, but it is now melting because of rising temperatures. Therefore, there is a need to strengthen Russia's military presence to protect the country from illegal border crossings, illegal immigration, organized crime and terrorism (TASS 2014). The position of a US Senior State Department Official during the Background Briefing on the Arctic Council Preview complements the peaceful discourse of A. Vasiliev, which is intended to underline

that there are no actual grounds for tension in the region because of increasing military activity by Russia:

> Arctic maneuvers [sic], military operations, I'm not – I have not seen anything that goes much above and beyond what we've seen in the past decade or so from the Russians. What has happened is, for instance, the Norwegians and the Russians have been conducting joint military exercises up until when the sanctions were invoked. Because of the sanctions, we're not allowed to have military-to-military contact and operations, so they've done it separately. When the Norwegians did their exercises, it got no notice. When the Russians did their exercises, it was portrayed as Russian aggression. I'm not sure that they've done anything more than they've done in the past, and they have a right to take necessary steps to preserve their sovereignty of the waters that they're responsible for (U.S. Department of State 2015).

From S. Lavrov's point of view, there are no problems in the Arctic that require NATO's involvement or any military solutions at all (Ministry of Foreign Affairs of the Russian Federation 2014). In his view, the Arctic region is not influenced by the current difficult international situation (Sputnik 2014b). From Russia's viewpoint, the Arctic is a peaceful region and there are no direct military risks. Therefore, the Arctic should remain a zone with a minimum of military activity (Sputnik 2014).

Symbolic actions

Geopolitical competition in the Arctic also has a symbolic dimension. One of the most significant episodes of this kind of tension occurred in 2007 when a Russian expedition to the North Pole headed by A. Chilingarov planted Russia's flag in the seabed of the North Pole. This was perceived with outrage in the West, because from their point of view it was a symbolic act by Russia in claiming the Arctic territories. However, in recent years, Russia has placed an emphasis on cooperation rather than its solo achievements in the Arctic. S. Lavrov, in a speech in the Arctic Council in 2013, stressed that there was a rather symbolic trip to the North Pole by senior officials of the Arctic Council together with N. Patrushev and A. Chilingarov. During the trip, photos were taken with a background of the flags of eight countries and the flag of the Arctic Council that had high historical value (Ministry of Foreign Affairs of the Russian Federation 2013). It was a diplomatic gesture that Russia respected the interests of other countries. During this speech, he also invited his international colleagues to the third international Arctic Forum organized by the Russian Geographical Society. The title of the conference also carries a symbolic meaning – "Territory of Dialogue," which highlights Russia's efforts for cooperation with other states.

Table 1. Foreign and domestic discourse on the Russian Arctic

Category of analysis	Foreign discourse	Domestic discourse
Russia's national interests	The implementation of Russia's national interests in the Arctic is based on international cooperation within the framework of international legal norms.	The Arctic is a very important region for Russia. The Arctic is an integral part of Russia as a great power. Russia is a leading power in the Arctic.

International cooperation	The Arctic Council is the best platform for international cooperation. There is no confrontation in the Arctic Council. The Arctic may promote rapprochement between Russia and the West.	There is a battle over the first-mover advantage in the Arctic. The Arctic should be Russia's.
Russia's perception of other countries' strategies	The Western countries are attempting to make the Arctic a conflict zone by presenting Russia as being aggressive.	The increased interest by other countries in the Arctic creates security risks for Russia.
Militarization of the Arctic	Russia's military build-up is a legitimate ensuring of its national security, a reaction to the military activity of other countries and the effects of climate change. There is no need for military solutions in the Arctic.	Russia is ready to protect its interests in the Arctic by military means.
Symbolic actions	The Arctic is a territory of dialogue. Photos with the Arctic partners at the North Pole.	Solo photos of Russia's explorers and officials at the North Pole.

Conclusions

The foreign and domestic discourse on the Russian Arctic balances between the need to maintain favourable relations with international partners and, at the same time, to achieve competitive advantages in the region. In the domestic governmental discourse there is a stress on the strategic importance of the Arctic for Russia. The development of the Russian Arctic is vitally important for Russia as a great power. Russia's geographical location and historical achievements in the region give it a natural competitive advantage for being the leading power in the region. The strategic aim of Russia's state policy in the Arctic is to keep that status and to develop it further. "Making the Arctic Russia's" is the essence of the domestic discourse which contradicts its cooperation-oriented foreign discourse, but these discourses serve different purposes. Since the domestic discourse is targeted to internal audiences, one of its functions is to maintain national pride, and at a symbolic level, Russia's achievements in the Arctic provide the foundation for that.

Whereas the aim of the foreign discourse is to maintain favourable relations with partners, there is an emphasis on cooperation. However, this contradiction can be used in arguing that Russia is hiding its true intentions and is misleading other states. Some of the leaders of Western countries are indeed attempting to portray Russia as an aggressor in the Arctic. However, it would be more appropriate to say that Russia's military build-up in the Arctic is primarily a tool of strategic deterrence. That assertion is based on the consideration that all the major players in the Arctic region are developing their military presence, and that Russia is indeed placing an emphasis in its foreign policy on the interdependence of interests in the Arctic, the necessity for cooperation and respect for legal norms. Therefore, it is much more likely that the Arctic could serve instead for Russian-Western rapprochement rather than becoming the next geopolitical hot spot. At the same time, using a peaceful and defensive foreign

discourse, Russia is winning time to strengthen its position in the region, which does not exclude the possibility of an escalation of conflict in the future.

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Toward an Arctic Way:
Regimes, Realignments, & the ASEAN Analogue

Reid Lidow

This paper explores the history behind today's Arctic governance architecture, potential areas for realignments, and the analytical efficacy of the Association of Southeast Asian Nations (ASEAN) as a guiding analogue. Calling upon a vast body of scholarly work on Arctic governing regimes, the author identifies weaknesses and voids limiting the ability of Arctic states and, most critically, the Arctic Council as the governing nucleus, from harnessing historic regional momentum. Grounded by international relations theories on regionalism, regional security, functionalism, and international law, the paper serves to instruct both the international affairs scholar and the regional policy-maker. Where previous papers have looked to the Circumpolar South and the Antarctic Treaty System as an analogue, the author instead finds value in the ASEAN analogue and the parallel structures, actions, and passions therein. The paper closes with various policy prescriptions for the Arctic Council in cooperation with Arctic states, indigenous peoples, and the region's vibrant epistemic community. The author's analysis seeks to answer this paper's guiding question: Considering the region's history alongside existing governing structures, what is the most instructive analogue to guide further regional integration in the Arctic and how can these lessons be best applied?

Introduction: the Arctic's promise

Driven in large part by newly accessible economic opportunities found in the resource rich region, the Arctic has emerged as a trending topic in international affairs. The prevailing vision of the Arctic as a vast tundra with little interest to the global community is yielding to a more dynamic image, that of a region both militarily and geopolitically active. But developing the Arctic is not just about unlocking the resources lurking below the ice; the real challenge is in developing the productive, yet nascent, governing regimes[1] on the surface (Krasner 1983: 2). Up to this point, the Arctic states, indigenous groups, and scientific community have done a remarkable job avoiding conflict and seeking out cooperation. However, existing structures have failed to integrate the region into a cohesive whole, and a broader regional identity is absent. It is the aim of this paper to explore other regional analogues

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and perspectives that are instructive when approaching how best to expand the capacity of existing governing regimes.

The first part of this paper explores the history behind, and structure of, current governing arrangements in the Arctic. When considering relevant governing analogues, scholars often turn to the Antarctic Treaty System. This author argues the comparison is inappropriate. Competing resources claims, territorial disputes, differing governing priorities, and fundamental geography make the two regions polar opposites, or as phrased by Oran Young, "antipodes in more than geography" (Young 1992: 184).

The second part of this paper identifies five areas for governing realignments; these concepts are drawn from the region's history, existing structures, and tactics already employed. Covered in the discussion are *ad hoc*, bilateral and multilateral governing structures, functional strategies, regional seas agreements, and a comprehensive Arctic Treaty.

The second part of the paper primes the analogue introduced in part three – the Association of Southeast Asian Nations (ASEAN). With the introduction of the ASEAN analogue, a relevant regional model is introduced. Sharing similar high-political stresses (military tension, resource and territorial disputes) and low-political norms (a zone of peace doctrine, a non-legal governing personality) with the High North, ASEAN's success in achieving peaceful regional integration holds tremendous promise for the Arctic. The need to view challenges in the Arctic beyond the domestic political lens makes the analogue valuable as ASEAN leaves the domestic political escape hatch open; states are free to step away from the multilateral table where they see independent comparative advantages. It should go without saying that obvious features make Southeast Asia and the Arctic distinctly different regions; however, distinct similarities merit scholars' attention and consideration. Making the leap from theory to practice, the paper closes offering a series of policy prescriptions – ostensibly derived from the ASEAN analogue – for Arctic policy-makers. From working toward an Arctic economic community to adopting a declaration of non-interference, it becomes evident that shared issues with tried solutions unite Southeast Asia and the Arctic.

The desire for cooperation in the Arctic is both genuine and demonstrated. When a non-regional perspective and a globalized attitude are adopted, it quickly becomes evident Southeast Asia offers instructive prefabricated structures that are ready for adoption in the Arctic. It is the intention of this paper to make some of those key linkages both evident and accessible.

The Antarctic analogue

As touched on in the introduction of this paper, Antarctic governance has been called upon, in both academic and policy-making circles, as an analogue for Arctic governance. Specifically, the Antarctic Treaty of 1959 is brought into focus as a worthy analytical frame through which Arctic regimes can be considered. Most critically, the locus of the Antarctic Treaty System (ATS) is a declaration in Article I that "Antarctica shall be used for peaceful purposes only" (ATS 1959). Keeping in mind that the Antarctic Treaty was signed while the Cold War was in full swing, the front-and-center emphasis placed on peaceful activity should not come as a surprise. A second defining feature of the ATS can

be seen in Article IV with the declaration "No new claim, or enlargement of an existing claim, to territorial sovereignty in Antarctica shall be asserted while the present Treaty is in force" (ATS 1959). In effect, what Article IV succeeded in doing was freezing Antarctic territorial boundaries so as to avoid any tectonic geopolitical shifts. Even if such a provision were to be introduced in the Circumpolar North, it would be unreasonable to draw the conclusion that a military draw-down would ensue as the Arctic falls within the territorial confines of five littoral states.

So how does the Antarctic Treaty specifically relate to the Arctic? While the ATS stands as the *letter* of the law in the Circumpolar South, components of the treaty – with a special emphasis on Articles I and IV – have underpinned the *spirit* of the law in the Circumpolar North. Specifically, elements of the Antarctic Treaty System are evident in the Ilulissat Declaration of 2008, mapping of underwater ridges, and Arctic Council declarations. Polar law scholar Sébastien Duyck is bullish on the analytical value the ATS holds in the Arctic, particularly with respect to regional environmental regimes, although he concedes, "As the two polar regions differ in many respects, we do not claim that there can be a one-size-fits-all model for Polar governance" (Duyck 2011: 683). Moreover, the governance flag follows the dollar as Arctic and Antarctic "regional governance regimes have evolved under similar economic characteristics," namely a presumed financial windfall from natural resource rents (Duyck 2011: 684).

While the Antarctic Treaty System has earned its place in any discussion on Arctic governance as the ATS serves as the *de facto* analogue, it is the belief of this author that any comparisons between the mature ATS and a nascent Arctic governance regime are misguided. In terms of geography, economic potential, competing territorial claims, and – most critically – indigenous population considerations, the Arctic and Antarctic could not be more different. The ATS is a document that cleared the way for an Antarctic scientific community, and any agreement in the Circumpolar North will need to move away from the low-political nature of the ATS and instead confront the high-political challenges in the High North. As captured by Oran Young, "There is a natural temptation to compare the Arctic with other remote areas and, consequently, to suppose that it is both desirable and feasible simply to demilitarize the whole region" (Young 1992: 207-8). With an increasingly intransigent Russia in mind, it is impossible to confront Arctic governance from a non-militarized standpoint; an armed Arctic, which does not necessarily presuppose conflict, is a reality that must be accommodated. Moreover, even if the littoral Arctic states were willing to pass a sweeping regional agreement on the same scale of the ATS, the terrestrial differences and competing visions of the two poles would necessitate an entirely new treaty defined by new priorities. So while it is responsible to cover the ATS in this discussion, we will dispense with any comparisons as the analogical efficacy is minimal at best. The two regions, in terms of geography and political challenges, are truly polar opposites.

Options for governance realignments

Despite major policy breakthroughs in Arctic governance, there is substantial pressure on Arctic states to both streamline and expand regional governing arrangements. As Arctic ice sheets retreat, there is an increasing urgency to address interests and concerns from regional and non-regional actors. Regimes in the Circumpolar North, in their present configurations, are not equipped to confront

opportunities and challenges ahead. Simply put, the Arctic is having growing pains. As framed by Arctic Institute Director Kathrin Keil, "institutional cooperation [in the Arctic] depends on keeping this cast of characters only 'as-big-as-necessary,' rather than 'as-big-as-possible,'" or what this author identifies as a tension between *inclusion* and *efficiency* (Keil 2014). Despite this limitation, the last half-century of Arctic governance has revealed a variety of governing arrangements worthy of discussion as Arctic states consider governance realignments.

The Ilulissat approach

Following the controversial 2007 Russian scientific expedition to the North Pole which saw a flag planted on the seabed, nationalist fervor amongst the Arctic states peaked. The Arctic Ocean Conference, held in Ilulissat, Greenland in May 2008, was the natural outgrowth of this geopolitical discomfort. At the Conference, the five littoral Arctic states affirmed their "commit[ment] to this legal framework [UNCLOS] and to the orderly settlement of any possible overlapping claims" (Ilulissat Declaration 2008). The concern guiding the conference was the Arctic moving from Gorbachev's "zone of peace" to a "zone of conflict," and the language of the Ilulissat Declaration was designed to dispel these fears. The Declaration also concluded that with UNCLOS as a guide, there is "no need to develop a new comprehensive international regime to govern the Arctic Ocean" (Ilulissat Declaration 2008). The Ilulissat Declaration has gone on to be hailed as evidence that the Arctic can remain a conflict-free region, but we should not rush to agree with this conclusion.

Despite the seemingly successful nature of the Arctic Ocean Conference, there was a major deficiency; some, not all, Arctic states were parties to the agreement – Sweden, Finland, and Iceland were excluded due to geographical technicalities. For Alun Anderson, this exclusion crystallizes the point that "Even within the Arctic nations, not all are equal. […] The Ilulissat meeting was a reminder that the Arctic coastal states see the Arctic Ocean as their own lake" (Anderson 2009: 120). But the affront extended beyond the exclusion of the three residual Arctic states; the Declaration intimated that the international community, most notably those states in Asia with a heightened interest in the Arctic, should direct their political activism elsewhere.

Unilateral, bilateral, and multilateral approaches

As evidenced by the absence of armed conflict in the Arctic, the Circumpolar North has, up to this point, been a region of cooperation. Undertaking an inventory of Arctic strategies, Lassi Heininen observes that "International cooperation, largely multilateral […] has emerged and expanded since that time, at which there was less cooperation" (Heininen 2011: 80). Multilateral cooperation has proven to be the most common variety of Arctic cooperation, especially in areas of scientific research. The Arctic Council member and observer states have been active participants in the International Arctic Science Committee (IASC) and its issue-specific working groups; another bright spot can be found in the Arctic Monitoring and Assessment Program (AMAP).

The international cooperation found in the Arctic is couched by the "sovereignty and national security" priorities defining the unilateral strategies of the five littoral states (Heininen 2011: 81). The Arctic states and other groupings have been active in issuing strategy documents (Anderson 2009:

104). Given that these White Papers are often built at the domestic level without bi/multilateral considerations, the conclusions are traditionally out of lockstep with the priorities of other Arctic states and unions leaving any cleavages to be reconciled on an *ad hoc* basis, as was the case with the Ilulissat approach. Oran Young attributes the limits of cooperation in the Arctic to the fact that "no state has a clear-cut decision-making process for Arctic matters, much less a coherent policy" (Young 1992: 188).

In spite of the deficiencies found in unilateral White Papers, there have been notable bilateral successes where policy priorities align. Project LORITA, a joint effort by Denmark and Canada in Lomonosov Ridge bathymetry, "will benefit from a joint plan for the investigation of the Lomonosov Ridge saving cost, sharing personnel resources and maximising the outcome of data" (LORITA 2006). So long as unilateral policy directives remain stunted due to policy incoherence, bilateral cooperation within specific issue areas will be the direct beneficiary.

Functional multilateralism

Within the international relations discipline, the theory of functionalism is often cited as a model for regional integration. Tracing its roots to Western European international integration, the functionalism model is well situated – both geographically and analytically – lending itself to any discussion of potential Arctic governance realignments. Broadly defined, functionalism is understood as "working together in common institutions helps to create political community at the popular level; within this community there is a working peace system: war is less likely because of functional cooperation" (Taylor 1996: 290).[2] The "peace in parts" system exemplified by functionalism is recognized and has a proven track record (Nye 1971). Two unique phenomena occur as an outgrowth of functionalism. The first, *spillover*, occurs when cooperation is successful and "popular support presses for further integration and more common institutions" (Taylor 1996: 290). *Spillback*, the second, takes place when cooperative regimes fail to achieve their designed goal – these are typically economic failings – and countries believe more successful outcomes can be achieved on an individual basis. The father of functionalism, David Mitrany, suggests that the "essential principle is that activities would be selected specifically and organised separately – each according to its nature, to the conditions under which it has to operate, and to the needs of the moment" (Mitrany 1992: 502). Put into practical terms, functionalism – when the nature and needs of an activity are synthesized – results in a system that is not internally competitive being established. It should be evident that the functionalism regional integration model has not only played a major role in Arctic development to date, but also holds clues as to the nature of future cooperation.

Examples of functionalism are readily available when considering Arctic governance; both the Nuuk and Kiruna Declarations illustrate areas of functional cooperation targeting a particular issue. Moreover, knowledge sharing between Arctic states through institutions such as IASC and AMAP highlight scientific integration within the region. The reason for Arctic functional cooperation is self-evident: the Arctic states are entering into functional agreements only where all parties see clear benefits. And therein lies the current dilemma. Cooperation in the Arctic in 2014 is slowing – not speeding up – and we are seeing functional cooperation cresting the natural carrying capacity. This

timid spillover can be attributed to what Kathrin Keil calls the "exclusive club" principle, or, put more directly, "the eight Arctic states will be the ones most active in their Arctic areas, and it will be they who are most directly affected by any activities, possible accidents and environmental threats" (Keil 2014). This is not to advocate that only the Arctic eight should play an active role in Arctic affairs; rather, it must be acknowledged that the first on scene will always be those states holding territory in the region.

Thus, within the "exclusive club" of Arctic states we see a narrow topography of issues where issues align for all states. Returning to Mitrany's words, "We have already suggested that not all interests are common to all, and that the common interests do not concern all countries in the same degree" (Mitrany 1992: 501). Mitrany's point highlights a weakness in the Arctic governance structure today; there are not nearly enough cooperation contact points for the Arctic states to see that the A-level issues at hand are uniting, and not dividing, topics.

Regional Seas Agreement

One of the more creative solutions that has surfaced as a potential Arctic governance realignment is a regional seas agreement. The concept of a regional seas agreement in an area of geopolitical tension is not without precedent; both the 1974 Convention on the Protection of the Marine Environment of the Baltic Sea (Helsinki Convention) and the 1976 Convention for the Protection of the Mediterranean Sea Against Pollution (Barcelona Convention) are analogues (Young 1989: 183). In 2008, Rob Huebert and Brooks B. Yeager published a policy paper suggesting a regional seas agreement in the Arctic. The paper emphasized "The capacity of the Arctic nations to manage the Arctic Ocean environment through an ecosystem approach could be considerably strengthened by the development of a regional seas agreement" (Huebert & Yeager 2008: 29). The authors took this argument a step further and suggested the Arctic Council evolve "into a regional environmental management convention" (Huebert & Yeager 2008: 35). Considering that the Arctic Council has a footprint extending far beyond the environmental realm, it would seem that Huebert and Yeager's suggestions are capacity limiting rather than capacity building.

While regional seas agreements can be, and often are, productive, such a move in the Arctic would fail to capture the dividends that forthcoming prescriptions could capture. Notably, regional seas agreements tend to focus on low-politics topics as illustrated by the Helsinki and Barcelona Conventions where the environment is the focus. The challenges facing the Arctic are many, and while environmental degradation is problematic, a regional seas agreement would not be a complete solution. The legal inviolability of a regional seas agreement is questionable; Michael Byers notes that while agreements can be backed by UNEP's Regional Seas Programs, "it may be questioned whether the mere existence of a regional sea creates legal obligations" (Byers 2013: 214).

Arctic Treaty

Returning to the point that opened this discussion – the Antarctic Treaty System as an analogue for Arctic governance – there have been high-level calls for such realignments. In October 2008, the European Parliament (EP) held discussions on Arctic governance and passed a resolution suggesting,

"the Commission should be prepared to pursue the opening of international negotiations designed to lead to the adoption of an international treaty for the protection of the Arctic, having as its inspiration the Antarctic Treaty…" (European Parliament 2008). The calls for an Arctic Treaty were situated within the context of the 2007 Russian North Pole flag planting; domestic political conditions within the European Union demanded a firm response to Russia's overstepping. The EP's suggestion was not well received by the US; similar to UNCLOS, the US objects on the basis of sovereignty infringement.

Feedback from the epistemic community[3] of Arctic observers also conveyed a lack of enthusiasm for an Arctic Treaty. Rather than issuing a wholesale dismissal of the idea, Oran Young crafted a comprehensive response where he argued "legally binding agreements are attractive to the extent that they generate a greater normative pull than more informal arrangements affecting the actions of those expected to comply with their provisions" (Young 2010: 181). What his comment brings to the fore is that Arctic governing arrangements, as situated around the Arctic Council, do offer a considerable "normative pull" as evidenced by recent declarations passed and actors hoping to join as observers. Rather than using valuable political capital to pass what will be a dead-on-arrival Arctic Treaty, "we should make every effort to maintain and even enhance the effectiveness of the Arctic Council" (Young 2010: 184). But to achieve this, the conversation needs to shift.

The challenges confronting Arctic states are largely viewed as domestic issues. This is problematic because the Arctic ice retreat, overlapping territorial claims, natural resources, and other topics are not confined to one state. And while domestic political discussions matter, the conversation needs to change to one defined by foreign policy articulation and implementation. This is where the analytical value of considering a regional analogue, such as ASEAN, can be found. Successful regional institutions, such as ASEAN, leave the domestic political escape hatch open; once international cooperation has been exhausted, states are not constrained in retreating from multilateral discussions. The concept of *subsidiarity* best illustrates the capacity of a state to pull back from an issue area, being approached by a variety of states and actors, and instead confront the topic alone (Van Kersbergen 2007). Having the ability to step away from the table in an area where a state has a comparative advantage, while simultaneously being engaged at the multilateral level in various other issue areas, is a powerful position for a state to be in. Having two feet firmly planted across issue thresholds is how cooperation can be reconciled with control.

The ASEAN analogue

In exploring how best to expand the governing capabilities of states and regimes in the Circumpolar North, Southeast Asia may seem a strange place to look for an analogue. But today's hyper-globalized world forces us to consider other regional perspectives, and the Association of Southeast Asian Nations (ASEAN) stands as a worthy analytical frame through which potential Arctic governing realignments can be considered. Despite "differing histories, cultural traditions, resource bases, and political-economic systems," ASEAN has succeeded in integrating Southeast Asia into a "coherent whole" (Dayley et al. 2013: 3). Not only can the Arctic Council learn from ASEAN's creation of a highly-functioning regional organization, but Arctic states stand to benefit from closer interaction with

their Southeast Asian counterparts expressing an ever-increasing interest in Arctic affairs. History is not proprietary, and the forthcoming discussions of ASEAN's work – while far from exhaustive – will highlight the decisions and structures that hold so much promise for the Arctic states, Council, and broader region.

Founding ASEAN

In the early-1960s, the thought of a regional association of Southeast Asian states was anything but natural. With diverging political, economic, and cultural priorities, and a flat-lining South East Asia Treaty Organization (SEATO), any sort of region-wide cooperation was thought to be unlikely. But by the mid-1960s, several factors changed the calculus. With the Vietnam War raging, the Cold War in full swing, and – most critically – a rising China casting an increasingly tall shadow into the region, the need for an informal regional organization was identified. In August 1967, Indonesia, Malaysia, Singapore, Thailand, and the Philippines established the Association of Southeast Asian Nations. As enunciated in the Bangkok Declaration, the first purpose of the association was to "accelerate economic growth, social progress and cultural development in the region through joint endeavors in the spirit of equality and partnership in order to strengthen the foundation for a prosperous and peaceful community of South-East Asian nations" (ASEAN 1967). With the establishment of "a weak subregional security regime whose members agreed not to pursue their disagreements by force, the five founding ASEAN states, if only for a brief moment, overcame the "Balkans of the East" portrayal of the region (Buzan et al. 2003: 135).

Yet ASEAN's future was anything but auspicious. Similar to the Arctic Council, ASEAN was established with certain foundational constraints that limited the scope of the young association's actions. At its core, ASEAN aspired to be a conflict prevention organization – everything else, from economic development to human security concerns, would be a lower priority. But in ASEAN's case, the association "had to avoid military cooperation in order not to be perceived as a front for the West, or a SEATO through the back door" (Acharya 2009: 55). As all international relations students learn, conflict prevention requires conflict (i.e. military) cooperation. Complicating matters were cross-cutting cultural cleavages; far from a monolith, the region was not a naturally occurring cultural formation. The great challenge for ASEAN became integration; "Since cultural and political homogeneity could not serve as an adequate basis for regionalism, the latter had to be constructed through interaction" (Acharya 2009: 54). This too should strike a chord with Arctic scholars – in terms of politics, economy and culture, Russia has no more in common with the US than Singapore with Burma (Myanmar). Despite differences, ASEAN brought a region together.

The regionalism challenge

The regional glue that binds ASEAN is anything but natural, and many Southeast Asia scholars question whether the region is in fact distinct from the East Asian regional complex. Similar questions arise in the Arctic, a region long regarded as a minute sliver between American, European, and Asian spheres of influence. But the picture of the Arctic is changing, and as the region thaws and comes alive a broader discussion of regionalism is appropriate. While geography is an important factor in regionalism, other variables exist adding a level of complexity to any discussion. On the topic, Donald

K. Emmerson defines regionalism as a "process" where "proximate states, societies, or economies" work together with the end goal of "forming or nourishing a shared identity, improving conditions and solving problems, or projecting influence beyond the region" (Emmerson 2008: 12).[4]

As evidenced by the latter portion of Emmerson's definition, hard power plays a central role in regionalism. When security considerations begin to dominate intraregional linkages, another phenomenon, known as a "regional security complex (RSC)," emerges. Here a second definition is necessary. Barry Buzan and Ole Wæver make the case for a Southeast Asian RSC noting "In order to qualify as an RSC, a group of states or other entities must possess a degree of security interdependence sufficient both to establish them as a linked set and to differentiate them from surrounding security regions" (Buzan et al. 2003: 48). While a Southeast Asian RSC may be more easily visible than an Arctic RSC, we should be careful not to overlook the fact that military activity is taking place beneath Arctic ice. Furthermore, as ice levels decrease, the High North only becomes more distinct from neighboring RSCs. ASEAN proved a region could be constructed where one previously did not exist, and this example should resonate with Arctic policy-makers.

Non-interference and conflict resolution

Founded as a regional association and not as a formal rule-based organization, ASEAN has succeeded in crafting a normative mosaic that is forceful yet non-invasive. One could describe ASEAN membership as an "outpatient procedure" with respect to sovereignty protections. The core norm written into the ASEAN Declaration is that of non-interference; the Association is "determined to ensure their [member states'] stability and security from external interference in any form or manifestation" (ASEAN 1967). This doctrine was taken a step further in 1971 with the five founding ASEAN states proclaiming "South East Asia as a Zone of Peace, Freedom and Neutrality (ZOPFAN), free from any form or manner of interference by outside powers" (ASEAN 1971). Clearly the rhetoric has aligned with reality; since 1967, no armed conflict has emerged between any of the ASEAN member states. The parallel could be drawn between ZOPFAN and Gorbachev's Murmansk speech where he argued for: "a radical lowering of the level of military confrontation in the region. Let the North of the globe, the Arctic, become a zone of peace. Let the North Pole be a pole of peace" (Gorbachev 1987). However, more can be done and the Arctic Council would be wise to consider a non-interference declaration.

While ASEAN has made inroads in realizing its vision of a conflict-free region, it would be naïve to assume that Southeast Asia is dispute-free. Quite the contrary, both ASEAN and its member states have had to contend with decades of disputes – such is the cost of constructing an association in a region lacking socio-political cohesion. So how has ASEAN ensured that disputes do not boil over into trade embargoes, or worse armed conflicts? The answer is two-fold: pressure and/or adjudication. When a dispute extends beyond formal territorial boundaries, ASEAN takes an active roll in bringing aggrieved parties to the negotiating table. In certain circumstances, a written rebuke in a joint communiqué can be issued at the annual summit.

Where legal intervention is necessary, ASEAN has been effective in nudging states to take disputes to the International Court of Justice (ICJ). Consider the Pedra Branca Island dispute between Singapore

and Malaysia; after an initial debate in 1979, both states agreed to take the case to the ICJ and vowed to honor the outcome (Ting 2008). When the ICJ ruled in favor of Singapore, the matter was closed. Arctic states have, on occasion, adopted a similar approach as seen with Denmark/Greenland and Canada's dispute over Hans Island, but a deepened commitment to ICJ adjudication should be considered.

The enthusiasm for these governance additions in the Arctic must be disciplined. It is easy to suggest that participation within the Arctic Council and broader region should be expanded, and also straightforward to suggest that adjudication take place through the ICJ, but great power resistance – from forces such as Russia and the US – make these developments challenging and unlikely. While a region-wide doctrine of non-interference could assuage fears of sovereignty violations, the very nature of ICJ adjudication makes it difficult to see great power involvement. However, that does not mean the prescription should not be put forth. Additionally, for every easy example of ASEAN cooperation cited, there certainly exists a complicated one, and it is impossible not to acknowledge ASEAN's hobbled approach to recent tensions in the South China Sea. Far from being an issue leader, ASEAN has been in the passenger seat on the issue of South China Sea conflicts. Hiding behind the veil of non-interference, ASEAN – pulled in different directions by the constituent states – has failed to leverage its position and serve as a force for reconciliation in the region. Similar challenges have, and will always face, regional institutions, and the Arctic is not exempt.

The "ASEAN Way" and Charter

The words and norms that underpin ASEAN do not always go far enough. Recently, ASEAN has come under fire for sweeping conflicts under the rug instead of pushing for lasting resolutions. This has led the ASEAN Way, widely understood to be "informality, organization minimalism, inclusiveness, intensive consultations leading to consensus and peaceful resolution of disputes," to be downgraded (Acharya 2009: 78). In its place, Southeast Asia observers and policy-makers have pushed for an ASEAN Charter to formally and legally codify the Association's informal structures. The goal of a charter would be to transform "ASEAN from being a non-binding association to becoming an international organisation with a legal personality" (Acharya 2009: 267). In November 2007, such a vision was realized with the adoption of an ASEAN Charter ratified by all member states. Beyond offering a formal legal foundation for ASEAN, the Charter also expanded ASEAN's institutional reach making it possible to develop new working groups, increase ministerial meeting frequency, and expand the Secretary General's governing power.

A defining difference

Before closing with Arctic policy prescriptions, it is incumbent upon the author to acknowledge a principal difference between the Arctic and ASEAN: structure. As has been discussed, while ASEAN has enjoyed superpower engagement – often from the US or China – this is of a *peripheral* nature as the superpowers must work with a light footprint when seeking to influence regional policy. Blocking for the economic outliers (i.e. Singapore and Brunei), at ASEAN's *core* are a collection of developing countries. On the other hand, the Arctic's cast list is composed of heavyweights; the US, Russia, Canada, and a league of highly developed middle powers (i.e. Nordic states) set the regional policy

agenda. What is more, not only are the Arctic states at the core of the regional governance structure, but they are also the rule-makers in the broader international system. The same cannot be said for ASEAN's constituent states. These differences do not negate the ASEAN analogue case for the Arctic made in this paper. However, before suggesting policy prescriptions derived from ASEAN's experience, responsible analysis demands this structural difference be acknowledged.

Prescriptions for the Arctic Council and states

While there is no single ready mix analogue solution for the current challenges confronting the Circumpolar North, there are measures ready for adoption that would prime the region for continued stability and future dynamism. As the previous section illustrated, the Association of Southeast Asian Nations, and the broader regionalism narrative therein, may offer added relevance and value to the Arctic than the oft-cited Antarctic governing analogue. While this paper lacks the space for an in-depth history of ASEAN, the critical moments or inflection points discussed capture the relevance of Southeast Asia's regional integration model. Where most papers would end, the author believes that making the leap from theory to practice – from policy to prescriptions – is a critical step in advancing the existing body of scholarly work. The following policy prescriptions are directed toward the Arctic Council in cooperation with Arctic states, indigenous peoples, and the region's vibrant epistemic community.

Recommendations for policy shifts

Adopt a doctrine of non-interference

The Arctic Council does not actively involve itself in the foreign affairs of member states and, pursuant to the Ottawa Declaration of 1996, security (i.e. military) related matters are not policy topics. However, it is impossible to remove the military variable from the Arctic governance equation. Passing a non-interference declaration would serve two purposes. First, as seen in Southeast Asia, ASEAN's non-interference declaration is "the key factor as to why no military conflict had broken out between any two member states since 1967" (Acharya 2009: 70). In addition to extinguishing the potential for conflict, a declaration would reaffirm sovereignty protections. To an increasingly intransigent Russia and a more inward-focused US, such sovereignty guarantees would be well received. Furthermore, an Arctic doctrine of non-interference has the potential to motivate a US ratification of UNCLOS, although at the present time domestic political constraints in the US make this unlikely.

Conflict resolution through the ICJ

When disputes between states arise in the Arctic, as they have and inevitably will, the Arctic Council should act as a mediator. To best accomplish this, the AC can establish a "Conflict Resolution Working Group" staffed by international law scholars, scientists, and policy-makers – in sum an Arctic epistemic community microcosm. In the event that an amicable agreement cannot be reached, the states should agree to have their case heard by the International Court of Justice requiring an understanding that the verdict, whichever side it falls, will be upheld and respected. Conflict resolution through the ICJ has been an effective mechanism in ASEAN as evidenced by the Pedra Branca

outcome, and the recent Hans Island resolution highlights the promise of the ICJ model for the Arctic region. As noted earlier in this discussion, the resistance such a policy shift would face from great powers in the region would be considerable, but this structural challenge should not strike the idea from the policy menu.

An Arctic Council of 8, not 5+3

The Ilulissat Declaration was, without question, a major policy achievement for the Arctic states; however, the exclusion of Sweden, Iceland, and Finland was a major policy misstep. By excluding the three non-littoral states from the Declaration, the scope of the agreement was not only reduced and weakened, but positive relations with three major stakeholders in the Arctic suffered. As seen in Southeast Asia, ASEAN grew from five states to ten, and this expansion committed more states "to the regional code of conduct on territorial integrity and peaceful resolution of disputes" (Acharya 2009: 139). In the future, the Arctic Council should be a forum for multilateral gatherings as this will serve to strengthen and legitimize the preeminent governing body in the region. As an outcome of utilizing the AC as a forum, the Arctic Eight, not to mention permanent and *ad hoc* Observers, will all be contributors in discussions and stakeholders in outcomes.

Elevate appointments to the Arctic Council

The degree of importance the Arctic Council holds, and nature of the issues that should be approached, varies from actor-to-actor within the regime. Canada's Arctic Council Chairmanship (2013-2015) confirms this assertion as the Honorable Leona Aglukkaq, an Inuk from Nunavut, serves as Chair reflecting Canada's "commitment to ensur[ing] that the region's future is in the hands of Northerners" (Canada 2014). For the United States, it is impossible not to remove traditional security and sovereignty concerns from Arctic Council initiatives, hence the appointment of Admiral Robert Papp (Ret.), a longtime Coast Guard Commandant, as US Special Representative for the Arctic (United States 2014). And the Arctic Council leadership picture only becomes more complicated when Permanent Participant indigenous groups are thrown into the mix. While it is impossible to assign a uniform rank for all AC representatives, all members should endeavor to appoint representatives to the Council who have a wealth of regional knowledge. The success of ASEAN has made representative status within member states a coveted position, and, one hopes, the same will be true for all Arctic Council participants.

Building an Arctic defense community

One of the bright spots in Circumpolar North regional cooperation is surely scientific knowledge sharing, but then again, nobody is talking about a scientific security dilemma. The Arctic states, through the Arctic Council, should move to deepen defense cooperation in the region. Looking at ASEAN, joint military exercises and the exchange of intelligence across state lines have served to deepen cooperation while securing the region. Even though intelligence sharing within ASEAN is often mere window-dressing, having a structure in place for unifying emergencies – such as the disappearance of MH370 – alone justifies the cooperation. Moreover, direct military cooperation provides a front-row seat to another state's capabilities; thus, there is a compelling case from the

defense hawk corner as well. Alongside the Arctic's scientific community, an intelligence community should be constructed with an Arctic Intelligence Forum at its core. Properly constructed, this forum should serve to transparently display security developments across the region, not just through a military lens but also a military-industrial one. Where possible, Arctic states should also engage in joint military exercises. And finally, as use of the Northern Sea Route increases, both tourism and trade are bound to increase in lockstep. To help coordinate efforts across the region, an Arctic Coast Guard, bringing together the resources and manpower of the eight Arctic states, would be the strongest showing of cooperation yet.

Arctic regional forum

Lowering the barriers to entry and bringing in a diverse set of voices to complement those of stakeholders has been the hallmark of ASEAN as exemplified by the ASEAN Regional Forum (ARF). When the forum is held, dozens of states join in consultation to discuss the region's defining issues. As framed by former Australian Foreign Minister Gareth Evans, ARF succeeds in building "security with others rather than against them" (Acharya 2009: 199). Arctic states and the Arctic Council have endeavored to be more inclusive through rhetoric, but in reality there remains a void. As discussed in the third policy prescription, Arctic cooperation needs to do a better job including non-littoral states. Similarly, the Arctic states, again working through the Arctic Council, should strengthen communication and cooperation with non-regional actors expressing interest in the region. Asian states, as diverse as China, Singapore, and India, have sent ministers to the Circumpolar North to build partnerships, and often these overtures are met with a cold reception. The present Arctic governing culture viewing interest by non-regional actors with suspicion should be replaced by a culture of tempered trust, and an Arctic Regional Forum can help to break down those barriers through constructive engagement.

Arctic Economic Community

Hardly unique to Southeast Asia, but certainly a defining economic feature of the region, is an integrated economic community. Arctic states need not look that far for an economic exemplar – functionalism thrives in their backyard through the European Union (EU). Building on the EU model, Oran Young has suggested the creation of an "Arctic Development Bank," especially when considering that "Arctic communities exhibit a number of features that are characteristic of less-developed economies" (Young 1992: 222). While the establishment of such a bank would have to be parallel to, and not within, the Arctic Council governing nucleus, such economic cooperation could help to lift the tide of poverty found in indigenous communities. Not only helping to improve the condition of depressed communities, an Arctic Development Bank would share fiscal risk across Arctic states. Thus, a mutually assured (financial) destruction system would persist whereby if one state becomes intransigent, all parties will suffer economic repercussions. Spillover and biased options of this nature will help to secure the region.

Closing Thoughts

Taken together, these policy prescriptions should build governing linkages in the Arctic region that expand, strengthen, and reinforce the current governing structure. The author remains committed to the Arctic Council serving as the core governing nucleus in the region; however, cooperation does not know boundaries and cannot remain a regional undertaking. Elegant regimes are not constructed overnight – ASEAN took a half-century to get where it is today – and Arctic states should take advantage of the momentum driving interest in the region. Through the same informality and minimalism that has allowed ASEAN to accumulate regional sway, the Arctic states should work toward formalizing a nascent "Arctic Way" defined by inclusiveness, non-interference, and peaceful cooperation.

Conclusion: toward an Arctic way

There is great potential above the Arctic ice, not just below. Within the space of three decades, the Arctic Council, states, indigenous groups, and epistemic community have done a remarkable job of creating a robust governing structure. These regimes have the flexibility to grow; yet there has been an aversion to creating parallel and synergistic governing structures in the region. Instead, loose cooperative arrangements between states, and a series of non-binding governing agreements, have come to populate the space. The Arctic community can, and will, do more, and hopefully these actions will parallel those suggested in this discussion. And while the prescriptions explored serve to reinforce existing structures and expand regional capabilities, we must recognize that there can be no silver bullet for the present lack of a cohesive Arctic vision.

This author identifies an "Arctic Way" as the end goal for all stakeholders in the region. Those who call the Circumpolar North home should work to rise above regional divisions and build a vibrant identity of inclusiveness and cooperation. An "Arctic Way" vision will live up to the promise the region holds and capture the spirit and hope – in a word momentum – that has so recently come to define the Arctic. Returning to the words of David Mitrany, "Peace will not be secured if we organise the world by what divides it" (Mitrany 1992: 503). The time has come to recognize – and organize – the Arctic by the shared passions that unite the region.

Notes

1. A regime is defined as "implicit or explicit principles, norms, rules and decision-making procedures around which actors' expectations converge in a given area in international relations" (Krasner 1983: 2).

2. Full definition: "Functionalism: Gradualist but not greatly concerned with details of decision-making; stresses way in which integration may attract popular support if it is seen as beneficial; working together in common institutions helps to create political community at the popular level; within this community there is a working peace system: war is less likely because of

functional cooperation; popular support presses for further integration and more common institutions, which lead to more popular support in the political community, and so on: this is the integrative dynamic; form follows function, i.e. every task should be approached at that level and in that manner which is most appropriate to that particular task."

3. An epistemic community is "a network of professionals with recognized expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain or issue-area" (Haas 1992).

4. Full definition: "Regionalism is a process. It is the intentional bringing together of physically more or less proximate states, societies, or economies, in various ways and to varying degrees, for ostensibly common purposes and activities – forming or nourishing a shared identity, improving conditions and solving problems, or projecting influence beyond the region whose nature is thereby purposely created or shaped."

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Big Fish in a Small (Arctic) Pond:

Regime Adherence as Status & Arctic State Identity in Norway

Ingrid A. Medby

Despite frequent reassurances that the Arctic region's regime of governance rests soundly on two mutually reinforcing pillars: the Arctic Council intergovernmental cooperation and the international UN Convention on the Law of the Sea (UNCLOS), doubt is still cast time and time again on the durability of Arctic peace and stability. Explanations for the regime's strength are often based on classical theories of international relations, wherein traditional concepts of power-struggles ensure the relative benefit of state cooperation in the region. However, the case is here made that adherence to the present Arctic regime of governance is not just a matter of material or strategic importance for the eight so-called Arctic states. It is also a matter of status, pride, and identity; indeed, perceptions of a state's role in the world are a powerful and often underestimated force in determining interstate relations. Examining the specific case of one Arctic state, Norway, the paper explores how a state identity linked to the status granted by the current regime of governance guides political practices. This is done by drawing on a range of interviews with Norwegian state officials. For these, Arctic statehood is tied to political status, leverage, and legitimacy, thereby contributing to a positive self-perception and an advantageous international position. Furthermore, this is linked to pre-existing idea(l)s of 'essential' Norwegian history, culture, and values. Thus, through adopting a self-perception founded on the present Arctic regime of governance, the latter is discursively and normatively strengthened and reified, showing the potential potency of a political, state identity.

Introduction

Melting, thawing, 'opening', and high on the international agenda – there is no denying that the Arctic is changing. For many, a changing region spells a seemingly *unstable* region, and time and time again doubt has been cast on the durability of Arctic peace. Trying to keep pace with sensationalist headlines, covering the full gamut from doom and gloom to riches and routes, experts have repeatedly reassured the world that there is no Arctic 'free-for-all', no 'scramble', 'race', nor impending 'Cold War' (see e.g. Arbo, Iversen, Knol, Ringholm & Sander 2013; Wilson Rowe 2013). On the contrary, both academics and politicians stress that the Arctic is governed by an internationally recognised regime resting on two mutually reinforcing pillars: the Arctic Council (AC) intergovernmental cooperation and the UN Convention on the Law of the Sea (UNCLOS) (see e.g. Hoel 2009; Young 2009). Although they are far from the only institutions of political significance in the Arctic, they are key to the construction of a circumpolar region where rights and responsibilities are distributed based on a political and legal

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framework among eight sovereign states, the 'A8' (Keskitalo 2004; Dodds 2013a; see also Knecht 2013).

Frequently, pundits offer explanations of Arctic regime strength based on classical theories of international relations, wherein a traditional concept of power-struggles ensures the relative benefit of state cooperation in the region. However, adherence to the present regime of governance is not just a matter of material or strategic importance for the eight Arctic states (A8). Rather, regime adherence in the Arctic is also a matter of status, pride, and identity. Indeed, domestic perceptions of a state's role in the world are a powerful and often underestimated force in determining interstate relations. Accordingly, the regime's strength lies not so much in provisions *per se,* nor in any ability to bind and govern actors in a top-down manner, but in its *discursive* power. That is, the implicit power of defining how the region comes to be understood, thereby rendering ideas, actions, behaviours, and futures possible or impossible to imagine. Through normative influence, the combination of AC membership and UNCLOS acknowledgement has come to not just provide a regulatory framework for the region, but moreover, to reify and legitimise a *specific practice* of Arctic politics that is recognised and normalised by the international community. Consequently, belonging to the group of A8 has come to signify more than merely a chair at yet another political roundtable. Indeed, with the added participation of indigenous organisations and permanent observance by a global community, being a member of this exclusive club is a privilege the states in question are well aware is not to be scoffed at. As such, one of the reasons behind the persistence of and adherence to the current judicio-political system in the Arctic is arguably the construction of a political, state-level identity based on being a so-called Arctic state – thereby linking Arctic policies to deep-rooted sentiments of national identity and belonging, which in turn internalise both rights and responsibilities as essential aspects of the states' role in the world.

Examining the specific case of one Arctic state, Norway, this paper explores the state-level discourses – understandings, articulations, statements, and imaginations – that construct an Arctic state identity, and how this in turn influences regime strength and adherence; indeed, how it may guide political, interstate relations in the region. Firstly, the concept of 'state identity' is briefly explained – as related to, yet distinguished from national identity – and its potential influence on political behaviour. This is followed by a presentation of the Arctic region's current interstate regime of governance, as based specifically on the mutually reinforcing UNCLOS and the AC. The specific example of Norway illustrates how those representing an Arctic state may adopt a political identity based on, *inter alia*, rights laid down in UNCLOS and AC membership, thereby reifying the present-day regime. This section draws on interview data from a range of Norwegian state officials, who shared their perceptions on what it means to be an Arctic state. Through their reflections, a certain conceptualisation of Arctic statehood becomes clear, linking regime adherence to core idea(l)s of the Norwegian nation-state. For them, Arctic statehood is tied to political status, leverage, and legitimacy, thus contributing to a positive self-perception of the country as well as an advantageous position internationally. Furthermore, this state identity becomes connected to pre-existing notions of what the country *is* in terms of values, culture, and history; thereby reifying and legitimising Arctic statehood as a natural, unquestionable extension of the Norwegian 'essence'.

As such, the paper argues that when assessing Arctic governance – not least in a time when many worry about spill-over effects from international conflicts elsewhere – it is insufficient to examine merely material or strategic factors of seemingly dehumanised, 'rational' states. Rather, the current Arctic regime of governance, founded on UNCLOS and the AC, has come to hold underappreciated normative power through discursive processes of reification and internalisation among those performing the practices of Arctic statehood. This demonstrates the potential potency of governance regimes when their normative bases are adopted as inherent features of perceptions within the state itself of its own role in the world: its state identity. For this to happen, however, this relational self-perception of status among other states must be conceived as positive and advantageous to the state in question, at times even contributing to a sense of relative superiority. In other words, although the Arctic governance regime does not *conduct* states' political practices, it leads them to conduct *themselves* in certain ways.

State identity

By guiding how states act and interact, the Arctic regime of governance has arguably come to hold underappreciated power. Based on a combination of international law, diplomacy, and science, part of the regime's viability lies in its *adoption*, rather than incursion, into states' 'identities'. That is, their identities as *states* – political organisations within a seemingly bounded, given territory – as distinct from national identity. Conversely, national identity refers to belonging to a so-called 'imagined community', a nation, perceived to exist among fellow nationals (Anderson 1983). Although the terms nation and state are often confused, conflated, and even hyphenated, it is important to note the deeply political (and problematic) nature of assuming a bordered correlation between people and territory (Antonsich 2009; Sparke 2005). Hence, *state* identity here refers to the perception at the political level, i.e. among policy-makers and political leaders, of the country's 'self', its role in the world. Of course, the state-level perception of identity does not exist isolated from a popular (the nations') sense of such (e.g. Hopf 2002), and vice versa, (foreign) policy can be highly influential in shaping national identity (Campbell 1992). Particularly in democratic states, leaders are (to varying degrees) supposed to be representative of the population at large (Breuining 2007; Jacobs & Shapiro 2000). However, as publicly known figures, political leaders' understandings and framings of the country's essential character (be they deliberate or not) is not the be-all and end-all, but one among several important factors guiding action; arguably, an often neglected factor in assessing political behaviour in the Arctic and beyond. Thus, the aim in the present paper is not to assess national Arctic identity among the population (see e.g. Medby 2014), but rather to address an official-level, political identity that permeates the governing system, thereby potentially influencing political behaviour in the region (see e.g. Fearon 1999; Jones 2007; Mitzen 2006; Wendt 1994).

The Arctic region & regime

The Arctic is no singularly defined space, but a contextually and topically dependent region with a number of definitions. Common ways of delineating the Arctic include the 10°C July isotherm, the tree line, and several other climatological, biological, or geographical markers. Politically, however, the AC's reliance on the Arctic Circle's latitude – 66° 33' north – has become the most widely accepted

definition, where the eight states with territories north thereof (five of which also hold Arctic Ocean continental shelf claims) are recognised as the so-called Arctic states, the 'A8': Norway, Sweden, Finland, Denmark/Greenland, Iceland, Russia, Canada, and the United States. Nevertheless, as largely ocean space, the Arctic has often been thought of as a *terra nullius* and a free-for-all; an unclaimed and un*claimable* liquid space, where no lines or boundaries may be drawn on the rolling waves (Steinberg 2001).

It is often based on this view that fears of inadequate governance or regulation will lead to a 'scramble' or 'race' to claim the Arctic's potentially rich resources have been allowed disproportionate levels of publicity. However, contrary to such concerns, the Arctic is subject to a number of regulatory mechanisms, firmly placed within a jurisdictional framework of international law (Dodds 2013b). In fact, as the Arctic is defined on a number of nested (and at times overlapping) scales, it has become a region whose governance is *highly* multilaterally complex, even seemingly messy in all its intricacy (Dittmer, Moisio, Ingram & Dodds 2011; Young 2004). As state, sub-state, inter-state, multi-state, trans-state, and supra-state actors interact in the various topically defined 'Arctics', institutional interplay and a wide array of interests mean that the region is highly dynamic – not just physically (Jakobsson, Ingólfsson, Long & Spielhagen 2014), but also politically (Stokke 2011, 2013; Underdal 2013; Young 2009). However, although Arctic governance is often described as idiosyncratic in its intricate multilateralism and inclusion of e.g. indigenous peoples' organisations in AC deliberations, actual authority has repeatedly been affirmed to lie with the eight Arctic states. Indeed, as regional cooperation increases and the range of active stakeholders have expanded far beyond northern latitudes (see e.g. Bennett 2014), the maintenance of state sovereignty remains a key priority for the Arctic states (Heininen 2012; Knecht & Keil 2013; Steinberg & Dodds 2013).

The United Nations Convention on the Law of the Sea (UNCLOS)

Whereas territorial sovereignty on land above the Arctic Circle is distributed and bordered among the A8, the application of United Nations Convention on the Law of the Sea (UNCLOS 1982) provides the legal framework for delimitation and distribution of rights and responsibilities among the five coastal states in the Arctic Ocean. This establishes that, contrary to common notions of a 'global commons', the Arctic Ocean is not to be considered high seas at all (bar a few 'loopholes'), but neatly segmented into territorial seas, exclusive economic zones (EEZ), extended continental shelves, and so on – all with their own rules and frameworks for orderly usage. The process of Arctic mapping and boundary-drawing, or 'cartopolitics', is therefore instrumental in producing a specific space of state governance (Strandsbjerg 2010, 2012). Guided by scientists' descriptions of the sea-floor's geological features, this 'strategic science' with long historical roots (Doel et al. 2014) constructs a narrative of the Arctic as unquestionably, obviously like any other ocean; *already* inherently a part of the five states' spatial extent (see Steinberg, Tasch & Gerhardt 2015).

Despite the seeming neutrality of science and the seeming rigour of international law, the process of UNCLOS-based delimitation is therefore undeniably political, with interpretations of both law and geological data being malleable depending on interest (Brekke 2014). Submissions for extended continental shelves, for example, will only ever be reviewed *after* any bilateral territorial questions have

been resolved – a circumstantial dependency of which the applauded Norwegian-Russian Barents Sea delimitation was a case in point (Henriksen & Ulfstein 2011). Ratification of UNCLOS is still outstanding for the 'last reluctant Arctic power', the USA (Huebert 2009); although, their signing of the 2008 Ilulissat Declaration arguably confirmed the state's commitment thereto. Nonetheless, the 2008 meeting of the five Arctic *coastal* states, excluding Iceland, Sweden, and Finland on the basis of UNCLOS' supposed irrelevance to their specific relationships to the Arctic region, caused a political hubbub (see e.g. Dodds & Ingimundarson 2012). As with the region writ large, defining precisely where the Arctic Ocean begins and ends is no straight-forward task, not least as currents and fish stocks move Arctic waters. When the five states again met exclusively in 2015 in order to negotiate and sign a declaration on fishing in the Arctic Ocean, this was, unsurprisingly, met with Icelandic criticism. As their authorities stated, fishing in Arctic Ocean international waters concern them perhaps more than most other Arctic (and non-Arctic) states. Furthermore, according to their statement, an Arctic Ocean EEZ was clearly not a condition for participation, as Norway does not fit that description either (I.M.F.A. 2015). The latter point is also one of some controversy, as the details of Norwegian sovereignty over Svalbard and its surrounding waters are laid down in the 1925 Svalbard Treaty; that is, a treaty made before UNCLOS, and importantly, extended continental shelf delimitation-rules were agreed upon. Whereas the Treaty establishes all signatories' rights to conduct activity on the archipelago, the exact conditions of this once more became a topic of debate when the Russian Deputy Prime Minister Rogozin landed on Svalbard in April, despite prohibition of entrance to Norway due to political sanctions (BBC 2015). Albeit strongly criticised by the Norwegian authorities, the incident illustrated the inherent ambiguity and interpretative nature of Arctic Ocean matters and international law more generally, as well as the question of appropriate enforcement.

The ostensibly indisputable scientific-legalistic basis of which UNCLOS is portrayed as an objective framework thus retains much of its power in precisely the voluntary and advantageous nature of adherence thereto; even constructing a hierarchy among the A8 of which five are further privileged. Moreover, UNCLOS has been highly successful in motivating interstate cooperation reaching further and deeper than the surface of formal diplomacy, such as necessitating scientific collaboration on sea-floor mapping in order to make submissions to the Commission on the Limits of the Continental Shelf (Dodds 2010; Numminen 2010). Thus, the promotion and performance of UNCLOS towards particularly non-Arctic states interested in the region – such as the large states India and China – simultaneously constrain and enable the Arctic states' own political practices in the region.

The Arctic Council

With UNCLOS providing the legal pillar of Arctic governance, the Arctic Council (AC) serves as its political counterpart: an intergovernmental forum for cooperation. In addition to the noted eight member states with territories north of the Arctic Circle, the AC also includes six indigenous peoples' organisations as 'Permanent Participants', who have to be 'consulted' on all matters (Graczyk 2011; Koivurova & Heinämäki 2006). Other states and stakeholders may apply to observe – as an increasing number of states have done in recent years. As such, they are not party to decision-making, but may, of course, observe decisions being made and actively partake in working groups and projects (Graczyk & Koivurova 2014). Since its inception in 1996, the AC has evolved from a primarily environmentally

focused forum for cooperation to a wide range of issue topics relating to regional development (Axworthy, Koivurova & Hasanat 2012; Pedersen 2012). This marks both the growing importance of the Arctic region in general, as well as the growing importance of the AC itself, as the 'pre-eminent forum for international cooperation in the Arctic' (Clinton, quoted in Pedersen 2012: 149). A few recent binding agreements aside, one of the major successes of the AC may be the sheer *interaction* of states on an equal playing-field; in particular states whose officials are otherwise prone to bilateral dialogue-aversion (see e.g. Byers 2010).

Nevertheless, with no decision-making abilities, but only 'soft' power, relying on the cooperative spirit of the member states, concerns have been raised that the AC remains a weak institution, ill-equipped for the concurrent surge in Arctic interest, stakeholders, and temperatures (Heininen & Nicol 2007; Koivurova 2010; Koivurova & VanderZwaag 2007; Young 2012). However, the AC has since its nascent days been seen as demonstrative of peaceful cooperation in the Arctic (Young 2005), and has consequently taken on a *symbolic* significance, reifying states' positions in anticipation of Arctic prosperity (Steinberg, Bruun & Medby 2014; Steinberg & Dodds 2013). These hopes of prosperity are, of course, particularly linked to future shipping and resource opportunities, which in turn are contingent on peaceful and orderly relations. It is also, as international law's diplomatic counterpart, mutually reinforcing and reinforced by UNCLOS, recently making recognition of the latter a criterion for Observer status in the former (Graczyk & Koivurova 2014). Thus, albeit it holds no 'hard' power to determine states' behaviour in the region, the AC is instrumental both for norm-setting and for the reification of a specific Arctic understanding where cooperation is the only obvious, and indeed possible, political practice.

Norway: A case study of Arctic state identity

As one of the A8, and also among the even more exclusive five littoral states, Norway has both land and sea territories in the Arctic, is home to an indigenous Sami population, and has a long history of polar exploration. The basis upon which an 'Arctic identity' may be constructed are therefore numerous, and have led the government to designate the Arctic, or 'the High North',[1] as Norway's 'most important strategic priority area' (N.M.F.A. 2014). Norway may indeed be particularly advantageously positioned in the current political ordering of the Arctic, as it grants them both high status (Wilson Rowe 2014; see also Carvalho & Neumann 2015) and a 'great power'-role in e.g. hydrocarbon extraction (Rottem, Hønneland & Jensen 2008; see also e.g. Hønneland & Jensen 2008; Jensen 2007; Kristoffersen & Jensen 2012). Thus, as a state with much to gain from its formal status as an *Arctic* state, Norway serves as an illustrative example of how this rather recent title may (or may not) translate to a self-perception among state officials as representing such; and, furthermore, to what extent this status may impact governance and regime adherence in the Arctic.

In order to assess how state representatives perceive Norway's role in the region a series of anonymous interviews were conducted with officials in various positions at the state-level.[2] Altogether 16 interviewees shared their reflections on the topic, allowing for qualitative analysis of dominant discourses that may serve to legitimise or de-legitimise options of political behaviour available at the

state-level (see e.g. Neumann 2008). As Oran Young (2009: 431) explains in relation to Arctic governance:

> Although they do not prescribe detailed answers to specific questions about policy, the influence of such discourses is enormous. They often shape the way we formulate questions, and they can direct our thinking in ways that favour some answers and rule out others.

As such, the discourses and conceptualisations of the Arctic region and own role therein held by state representatives hold a powerful potential to guide their approach thereto.[3]

Main findings

Arctic statehood was for the majority of the Norwegian state officials primarily conceptualised as a result of geographically and geologically based provisions laid down in UNCLOS. Although a status as a so-called Arctic state is often derived from territory north of the Arctic Circle, oceanic rights clearly constructed an internal hierarchy among these, thereby granting Norway an elevated status even within the group. As a small state, this chimes well with Norway's quest for international status and influence – a desire to be heard on the international stage (Carvalho & Neumann 2015). As one official explained:

> There is kind of an 'A' and a 'B' team in the AC, as there are five states that have borders to the Arctic Ocean, and Norway is one of those. [...] So that is, in a way, the 'A' team, those who have direct interests and territories in the Arctic Ocean, while the other states – with areas north of the Arctic Circle, but no border to the Ocean – they are kind of part of this game without participating to the same extent (G).

Hence, the specific way in which the Arctic is defined becomes significant for relative status; in this case, emphasising the oceanic definition as it is of particular advantage. Interestingly, the officials' understandings of (dis)similarity between the two terms 'the Arctic' and 'the High North' were highly inconsistent, showing the definitional malleability of the region depending on topical context and favoured political outcome (Skagestad 2010). Among the more reflexive comments on the utilisation of either term, one mused: "That sort of depends on *who* defines what things are; you often define things depending on your own interests" (F).

In other words, UNCLOS grants Norway international *status*, also within the region itself; a status and particular interpretation of Arctic statehood that may advantageously be employed in certain contexts.

Land territory north of the Arctic Circle, i.e. Norway's three northernmost counties, was seen as a further legitimising factor of Arctic statehood, and instrumental in the privileged role as one of the A8. The phrase 'region of opportunities' ('*mulighetenes landsdel*') was repeated by many, highlighting the optimism tied to economic resource development in the northern areas benefitting the whole country. This particular focus on Northern Norway granted legitimacy not just abroad, but also among a domestic electorate; in turn necessitating specific political action to match the rhetoric in the form of investment in the northernmost counties:

> Building an [Arctic] identity, you build a brand – that is, Norway: a brand – which requires that the state – the government and Parliament – have to deliver something within it. So it drives development. (H).

Just as domestic pressure drives political behaviour, the international implications of Arctic statehood are no less significant. In fact, several noted that being an Arctic state means *more* internationally than domestically, as a status that gives Norway added leverage in diplomatic negotiations. The Arctic state-status was described as "an important asset for Norway" (E), which officials "use deliberately in communication outwards" (B).

As several pointed out, Norway's Arctic statehood allows it an equal role alongside the so-called great geopolitical powers, Russia and the USA. On the one hand, this may have led to "a Norwegian self-perception that is a bit bigger than it has reason to be" (J). On the other, Norway's northern border to Russia also serves as a reminder of the country's small size, leading to e.g. heightened defence spending (J), while simultaneously reinforcing a positive image of Norway as particularly successful at international cooperation (B, I). Thus, for a small state with big ambitions, the Arctic provides an opportunity for Norway to take on a role as a 'great power', exerting influence far beyond its population number would suggest: "I think the other countries consider us a key state in the Arctic cooperation" (K). Or, as another phrased it: "we are not the largest nation in the Arctic, but at least we are a *leading* nation in the Arctic" (H). Being an Arctic state is therefore both advantageous for international relations as well as generating and reinforcing a positive self-perception among the population and officials alike, chiming well with an imagined identity of pride and patriotism.

Further adding to this heightened status, several of the interviewed officials pointed to Norway's history of polar exploration as yet another point of legitimacy in the governance of the region. The very same ideas and ideals that were drawn upon in the construction of a national identity at the turn of the 20th century, framing Norway as distinct from Denmark, now feature in constructing it as an Arctic state. Additionally, highlighting Norway's history as an Arctic (or indeed, polar) state creates a historical national *narrative*, linking shared past experiences to shared future prospects in the north. In concert with UNCLOS-based rights as an Arctic coastal state, many pointed to a deep-running Norwegian identity as a coastal culture with essential ties to the sea as indisputable; indeed, attributing it with causal power in shaping the nation's character: "My theory is that there is something different about people who grow up, through generations, by the coast and look outwards, seeing the opportunities that are out there" (F).

In this way, Arctic statehood and coastalness were conceptualised as a natural extension of a pre-existing Norwegian identity, thereby rooting it in an 'unquestionable' and timeless Norwegian essence. This also included the cognitive connection between being 'Arctic' and so-called Norwegian values:

> Of course, the Norwegian agenda – with *responsible* exploitation of resources, to summarise – is very much rooted in Norway, or the Norwegian, as a hunting and fishing nation, explorer nation; and there has always been a connection between Norway as a polar nation, a research nation, that wanted to exploit resources. They have historically also gone hand in hand (G).

The particular role thereby constructed for Norway through its Arctic statehood, as based on the present regime of governance, was one of unquestionable *need* for presence and leadership. In other words, for the Norwegian state officials, being an Arctic state grants political status, legitimacy, and leverage – both internationally and domestically. Furthermore, this identity of Arctic statehood was reified and internalised by linking it to pre-conceived notions of the very core of what it means to be Norwegian – rooted in a re-interpretation of history, a coastal identity, and supposedly national values. This, in turn, constructs a specific self-perceived role for the country at the state-level; a state identity that simultaneously enables and constrains political behaviour in the Arctic region and beyond.

Conclusion

As the Arctic region is attracting ever more attention from near and afar, alarming headlines casting doubt on the stability of regional governance appear with increasing frequency. Sensationalism remains persistent despite the repeated reassurances from both political and academic pundits of the strength of the current regime of governance, resting on the mutually reinforcing pillars of international law: UNCLOS; and international diplomacy: the Arctic Council. Arguably, strictly material or strategic explanations of states' relative benefits of regime adherence are unsatisfactory in explaining the durability of current governance mechanisms. Significant as these weights and balances no doubt are to states' leadership, it is also necessary to consider the importance of discourses of *state identity* in legitimising or de-legitimising specific political practices in the region.

Using the example of one Arctic state with particular gains to be made from its status as such, Norway illustrates how Arctic statehood may be internalised as a seemingly inherent element of the state's 'identity'. In other words, how those representing the state – officials at the state-level – adopt a particular understanding of the country's role in the Arctic region and the world writ large. In this specific case, officials articulated Arctic statehood as tied to heightened political status and sense of importance for an otherwise small state, legitimacy within the region, and political leverage both internationally as well as domestically. Furthermore, this rather recent re-articulation of Norway as essentially, naturally 'Arctic' was constructed as rooted in Norwegian history, coastal culture, and 'typical' values. As such, the status and identity – the specific discourses of Arctic statehood – granted through the current regime of governance simultaneously enable and *necessitate* specific political practices as well as constrain and *rule out* others. Most notably, regime adherence becomes an intrinsic, unquestionable part of self-perceived role for the respective state, thereby rendering alternative governance arrangements or deviance therefrom wholly 'out-of-character'.

In sum, as illustrated by the case of Norway, by internalising an identity of Arctic statehood based upon the current regime of governance, state officials consequently invest it with a discursive and normative power that ought not to be neglected when assessing its strength and durability. Albeit Arctic governance as represented by UNCLOS and the Arctic Council does not hold the power to conduct the 'cacophony of voices' (Young 2004: 212) that wish to be heard in the region, it is instrumental in guiding the concert of Arctic states and stakeholders in how they *conduct themselves*.

Adherence to international governance regimes based on symbolic status and state identity is clearly significant beyond the specific case of Norway; indeed, beyond the Arctic region. Albeit Norway is

unique in its particular constellation of identity factors, the concept of Arctic state identity is undoubtedly relevant elsewhere too. While Russian authorities emphasise its long polar history, and the Icelandic draw on its connection to the oceans, there are clearly many ways in which national narratives and identity become intertwined in Arctic policy. However, as a state with much to gain from its Arctic statehood, potential internalisation and reification of current governance will inevitably manifest differently elsewhere than in Norway – not least among those not privy membership therein. Nonetheless, the Norwegian experience – granting a small state a big role in this exclusive region – serves as an illustration of how state identity and governance may at times be intimately interwoven, thereby contributing to understandings of Arctic governance beyond and beneath the material surface of interstate relations.

Notes

1. The Norwegian government often favours the term 'The High North'; in Norwegian '*nordområdene',* literally 'the northern areas'.
2. To ensure full confidentiality the respondents are only referred to by alphabetic letter according to the time of their interviews. The interviews were conducted mainly during July 2014, and distributed as: four in the Ministry of Foreign Affairs; one in the Ministry of Defence; one in the Ministry of Justice and Public Security; one in the Ministry of Climate and the Environment; one in the Ministry of Local Government and Modernisation; one in the Ministry of Education and Research; and seven Members of Parliament. Note that this is part of a larger, ongoing study on Arctic statehood and political identity in Norway, Iceland, and Canada.
3. All translations from Norwegian are by the author herself, as close to the original as possible. Of course, relying on a snowball strategy and general willingness to participate, the participants' views are not necessarily generalisable, but rather illustrate how individuals at the state-level perceive their state as being (or not being) 'Arctic'.

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Carving up the Arctic:

The Continental Shelf Process between International Law & Geopolitics

Jon Rahbek-Clemmensen

A new chapter in Arctic relations opened when Danish diplomats submitted five boxes of evidence to the UN's Commission of the Limits of the Continental Shelve (CLCS) in New York. Denmark's claim to 895,000 km² of Arctic seabed that includes the geographical North Pole surprised analysts by going all the way from Greenland's northern boundary to the border of the Russian EEZ. The claim is likely to overlap with future Canadian and Russian claims. Observers soon warned that this could lead to an unfortunate Russian reaction and spark tensions between Moscow and Copenhagen. This article examines how the Canadian, Danish, and Russian claims may spark tensions between the Arctic states, based on a review of the Arctic studies literature. How does the UNCLOS process fit within the political dynamics of the region and does the Ukraine crisis make a peaceful agreement less likely? The article argues that the claims process is largely disconnected from the geopolitical logic of the region and there is no reason to expect it to cause significant tensions between the High North states. As several authors have pointed out, most resources are located outside of the disputed areas. Instead, the process is driven by domestic concerns. Ownership of the Arctic is symbolically important in all three states, albeit in different ways. Whereas Arctic ownership is crucial for both Canadian and Russian audiences, in Denmark the claims process has more to do with the complex Danish-Greenlandic relationship. However, the Ukraine crisis may disrupt this peaceful state of affairs. The crisis may alter the Putin regime's power base and thus force Moscow to become more attentive to domestic voices that call for a more bellicose approach to the Arctic.

A new chapter in Arctic relations opened on a cloudy December day last year, when a Danish delegation with five moving boxes arrived at the headquarters of the UN's Commission of the Limits of the Continental Shelf (CLCS) in New York. The boxes contained evidence that had been gathered over the last decade to support Denmark's claim to an 895,000 km² area - roughly the size of Germany and France - that stretches from the northern part of Greenland's Exclusive Economic Zone (EEZ), across the North Pole, to the Russian EEZ, overlapping an area claimed by Russia in 2001 (Danish

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Ministry of Foreign Affairs and Government of Greenland 2014: 8). In the coming years, three Arctic coastal states (Canada, Denmark, and Russia) will divide a large part of the central Arctic Ocean, including the North Pole, between them under the UN Convention on the Law of the Sea (UNCLOS). The claims are part of a wider delimitation process in the High North that also involves Norwegian and American continental shelf claims.

Some media outlets portray this process as an Arctic great game, a competition for virgin lands, ripe with untapped resources and opportunities that comes with the risk of military conflict in the High North (Withnall 2014; Anonymous 2015c; Hopper 2014; Anonymous 2015b; Jacobson 2014). Most Arctic scholars believe that these warnings are overstated (Young 2009; Young 2011; Keil 2014; Brosnan, Leschine, and Miles 2011). They point to the 2008 Ilulissat Declaration, in which the coastal states declared that they would respect international law when settling the delimitation lines in the Arctic region (Ilulissat Declaration 2008). They also stress the fact that most of the resources in the High North are located along the coasts, in areas that have already been divided between the Arctic littoral states. However, as some scholars have emphasized, one cannot simply disregard the conflict potential in the Arctic by pointing to the current state of affairs (Huebert 2013). It is important to understand *why* the states currently cooperate and under what circumstances the delimitation process could ignite tensions between the High North states. This paper suggests that this can be done by examining how the delimitation process is shaped by the interaction between law and geopolitics. Geopolitics is not just static geographical facts about where states lie and what territories they occupy – geography has to be placed in a dynamic context with other political factors. Resources and territorial disputes must be understood together with the intricacies of international law and the immediate and long-term political goals and means of the great powers. Non-Arctic events, most importantly the Ukraine crisis, affect global politics and such changes may alter how Washington, Moscow, Copenhagen, Oslo, and Ottawa view the Arctic region and the delimitation process.

This piece examines how Canada, Denmark, and Russia are likely to approach the delimitation process around the North Pole through analyzing the interaction between international law and geopolitics. Specifically, it seeks to understand whether the UNCLOS process is likely to lead to tensions between the three states? It argues that Canada, Denmark, and Russia most likely will cooperate to divide the territory between them peacefully. Even from a purely *Realpolitik* point of view, the states have an interest in solving any disputes peacefully and international law provides procedures and rules that facilitate interstate coordination and an orderly settling of disputes. Domestic politics may complicate matters if governments or domestic political actors try to capture voters by following or demanding a more assertive course in the High North. The Arctic plays a symbolically important role in the national narratives of most of the states and domestic forces may pressure governments to problematize the process if outcomes do not match expectations. The Ukraine crisis exacerbates this potential and one cannot reject the possibility that future global political ruptures may cause problems down the line.

There are several types of territorial and legal logics at play in the Arctic. The present piece focuses on the extended continental shelf claims – that is, claims made by states based on article 76 through 85 of UNCLOS, specifically Canada, Denmark, and Russia's claim to area around the North Pole. The conclusions of the piece can easily be extrapolated to also be relevant for other continental shelf claims

in the High North. Furthermore, the article only examines whether and how the claims process may lead to tensions between the states – it does not aim to predict how the claims themselves will be settled. The analysis of the legal structures in the following section only aims to unpack the relationship between international law and geopolitics. It does not provide a complete overview of the many complex intricacies of the UNCLOS sections on continental shelves.

The argument progresses in three steps. The first section examines how international law structures the Canadian, Danish, and Russian claims and where one finds the boundary between law and geopolitics. The second section focuses on the geopolitical reasoning that guides how the states approach the delimitation process. The final section then uses international law and geopolitics to outline the current state of the claims process.

International law: the principles of delimitation

The continental shelf process is dictated by both legal and political considerations. UNCLOS provides a structure for allowing the states to make claims to the Arctic sea-bed, based on its geological and geographical features. As stated in UNCLOS' Article 76 (1),

> The continental shelf of a coastal State comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance (UNCLOS 1982: 76(1)).

Within 200 nautical miles, states can demand the right to exploit the sea-bed as defined by the EEZ regime (Byers 2014: 94). Canada, Denmark, and Russia have already extended their EEZs to the 200 nautical miles line under this regime, so the current process revolves around the section that allows states to claim rights over the continental shelf that extents as "the natural prolongation of its land territory" beyond 200 nautical miles. Claiming the continental shelf thus entails detailed geological analysis to show that it is indeed a natural prolongation of the state's land territory.

If a sea high is determined to be a natural prolongation of a state's land territory, the size of the claimable areas depends on whether the sea highs are submarine ridges or submarine elevations. The former entitles the states to claim an area up to 350 nautical miles from the baselines drawn at the coast; while the latter entitle the states to also claim areas that are within 100 nautical miles of the 2,500 isobath of the continental shelf. In other words, states can potentially claim a larger area if they can argue that a sea high is a submarine elevation and not a submarine ridge. Determining the type of sea high involves relatively complex criteria, including the crust type and connection to the continental margin and CLCS emphasizes that it determines how to evaluate the evidence on a case by case basis. The distinction between the two types is also debated amongst international lawyers (Byers 2014: 99–104). Both principles are relevant for the Arctic claims.

The rights that states have over the continental shelf are quite limited. They have rights to the soil and subsoil, but not the water column or the airspace above the continental shelf. They can exploit certain living and dead resources (oil, gas, minerals, and "organisms which, at the harvestable stage, either are

immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil") found in the soil and sub-soil. Because they have no rights over the water column or the airspace, they cannot regulate or interfere with civilian and military traffic (UNCLOS 1982: 77–82; Byers 2014: 93).

States can block the UNCLOS process if they find that it is in their best interest to do so. UNCLOS only provides a set of rules for how much territory states *can* claim, while determining the final delimitation lines depends on political agreements between the states. One state can disrupt the process by challenging the content of other states' claims or by refusing to compromise at the negotiation table. In that sense, the process depends largely on political considerations (McDorman 2002).

The role of CLCS is to evaluate the scientific validity of the states' claims, before the states can sit down at the negotiating table. CLCS does not determine the legality of the states' claims, but only determines whether the scientific evidence provided by states supports their claims regarding the nature of the continental shelf. CLCS's power lies in the legitimacy that states assign to its recommendations. This power enables it to facilitate a facts-based process by supplying information to other potential parties and thus decreasing transaction costs for states. CLCS also limits the extent of the claims that states can reasonably make, because it forces the states to present scientific data to show the legality of their claims (McDorman 2002).

The claims process basically runs through three phases: submission of claims, evaluation of claims, and recommendation from CLCS. First, states submit their claims based on scientific data. Norway, Denmark and Russia have made claims to the Arctic Ocean, while Canada has yet to submit its claims to CLCS (Danish Ministry of Foreign Affairs and Government of Greenland 2014; The Russian Federation 2001; The Russian Federation 2015; Kingdom of Norway 2006). Norway does not claim the North Pole and there are only minor overlaps with other nations' submissions (Kingdom of Norway 2006; The Russian Federation 2015; Danish Ministry of Foreign Affairs and Government of Greenland 2014).

Second, the CLCS then evaluates the scientific assertions in the claims. CLCS can only make recommendations if other nations do not make claim to the same area and protest against CLCS considering the evidence. States can thus use this mechanism to disrupt the process. For instance, when Russia submitted its first claim in 2001, several of the other states argued that the Russian submission did not provide enough data to allow them to form an opinion (Permanent Mission of Canada to the United Nations 2002; Permanent Mission of Denmark to the United Nations 2002). The states have since agreed to allow CLCS to consider their claims (The Russian Federation 2015; Danish Ministry of Foreign Affairs and Government of Greenland 2014).

Third, CLCS provides its recommendations, based on the evidence provided by the states. If a state is dissatisfied with its findings, the state can submit new evidence. Once CLCS recommendations have been reached, the involved states can use them to negotiate a final settlement of any overlapping claims. Non-involved states can probably influence the process by protesting against any final

boundaries. Control of territory ultimately depends on state recognition and protest would show that the protesting state does not recognize the claims as legitimate (Byers 2014: 125–26).

In sum, international law provides the states with rules and processes that allow them to transfer information in an orderly fashion. The states can disrupt the process, but UNCLOS and CLCS are both considered to be legitimate and unpartisan institutions and doing so thus comes at the loss of reputation for states (Mercer 1996; Downs and Jones 2002; Brooks & Wohlforth 2005: 514–17). The key question is if states' interests in disturbing the process outweigh these political costs. One cannot understand the delimitation process without considering why states have a geopolitical interest in a peaceful settlement of the Arctic delimitation question.

Geopolitics makes states adhere to international law

Geopolitics link the geographical features of a specific area with economics and international and domestic politics to understand state behavior within that area. Understanding the Arctic's importance entails understanding its material production value, its military and symbolic importance, and existing domestic and international political dynamics.

At Ilulissat, the coastal states agreed to follow international law when dividing up Arctic territories and to cooperate through regional institutions (Ilulissat Declaration 2008). Of course, declarations are but mere words and it would count for little were it not for the fact that it rests on a foundation of shared state interests. As the following sections will show, even when viewed from a purely *Realpolitik* point of view, the states have much to gain from adhering to the UNCLOS set-up and this has so far kept the process on track. Basically, the geopolitical logic behind this support consists of geo-economic, grand-strategic, and domestic dynamics. In the following, each of these dynamics is analyzed separately to show that the states have an incentive to divide the territory peacefully, but that domestic politics may disrupt the process.

Arctic geo-economics

There is no established consensus about the meaning of the term "geo-economics" and definitions include the economic effect of geopolitics, the geopolitical effects of economic phenomena, and the geographical distribution of economic activity (Luttwak 1990; Dicken 1998; Baru 2012). In this piece, I define the term narrowly as the subset of geopolitics concerned with the economic potential of geographical features, including transport routes, minerals, energy resources, and animal stocks. That is, geo-economics tells us how certain territories enable the production of wealth.

The geo-economics of the Arctic indicate that the UNCLOS process should be relatively unproblematic, as the undistributed areas are unlikely to contain significant resources and even if they do so, they will be very difficult to exploit. As mentioned above, the process does not give states rights over some of the most important Arctic resources, such as fish stocks or sea lanes. Instead, a geo-economical analysis should focus on resources found on the seabed or in the subsoil beneath, the most important of which are oil and gas. Any analysis of the resources in the undistributed areas will be based on estimates based on sparse data, but available analyses indicate that the vast majority of Arctic hydrocarbons are located along the coasts, within the existing boundaries of the High North

states (Gautier et al. 2008). Minerals or other valuable resources may be found on the bottom of the sea, but they are still very difficult to exploit, as the sea floor is covered by 500 to 4,200 meters of water and an ice-sheet that is unlikely to disappear for decades.

Of course, the very possibility of finding exploitable resources at some point in the future gives the states an incentive to maximize their piece of the Arctic territory. The value of potential future gains is, of course, not the same as the value of a certain gain in the present. The uncertainty of their very existence is the first major problem. Even if they do exist, their value is also time-discounted, meaning that resources that may lie centuries down the road have a lower value for two reasons: first, the time-value concept of money tells us that the present value of an asset decreases as the time to potential exploitation increases. Second, events in the meantime may prevent states from actually exploiting those resources, feeding into the uncertainty argument.

Thus, states must consider how pursuing uncertain and highly discounted resources stacks up again the certain and undiscounted political costs of pursuing a large stake at this point in time. Claiming Arctic territory entails an effort to substantiate the validity of the claim and the risk of creating animosity in other states. States will be unwilling to incur political costs, if they gain from political cooperation. The political costs are determined by the grand strategic goals of the states in question, which will be analyzed in the following section. Arctic policymakers have previously shown that they are willing to compromise in order to avoid incurring political costs. For instance, concerns for the stability of Arctic cooperation and an unwillingness to incur political costs played a key role when the Arctic states decided to give six non-Arctic states, including China, India, and Japan, Observer status in the Arctic Council. Russia was skeptical at the onset, but Moscow was eventually convinced to widen the circle of Observers, because Russian diplomats feared that blocking the decision would complicate Arctic governance and hurt Russia's reputation in the Council (Solli, Rowe & Lindgren 2013: 262–63).

In sum, the unclaimed territories may have some geo-economic value, as they may contain resources that are exploitable at a future date. However, this geo-economic value is rather miniscule. It is uncertain if there are any resources and even if resources are to be found, they are almost impossible to exploit even in the long term. As the following section shows, the Arctic states gain from regional cooperation and they will thus typically be unwilling to suffer unnecessary political costs.

Grand strategy and the Arctic

Just pointing out that the areas contain few exploitable resources does not necessarily show that states are likely to respect the UNCLOS process. Instead, the states may have a *grand strategic* interest in disrupting the process if it enables them to gain political power in the international system. Grand strategy is the "national policies in peace and war that both set out the goals of the state in international politics and prescribe how a broad range of national resources should be utilised in pursuit of those goals" (Kitchen 2010: 121). It enables analysts to understand how states rank certain ends vis-à-vis other ends. A brief review of the grand strategies and regional strategies of the states involved in the Arctic before the Ukraine crisis shows that they all had an interest in preserving the status quo that outweigh the benefits of disrupting the UNCLOS process.[1]

Russia's long-term goal is to remain a great power and a dominant state in its near-abroad. It stands somewhat outside of the current global order and has shown in Georgia and Ukraine that it is willing to pursue revisionist policies to achieve those ends (Tsygankov 2010). Russia wants to retain the ability to survey and operate militarily in the region. Russia also has significant geo-economic interests in the Arctic that make Moscow interested in keeping the peaceful regional order that currently defines the High North. The Russian economy depends on the continuous exploitation and export of oil and gas, which make up half of government revenues, and the Arctic off-shore make up a crucial new frontier for the energy industry (Laruelle 2014: 254; Gustafson 2012: 456-73; International Energy Agency 2011; Henderson & Loe 2014). Oil and gas dwarf all other Russian economic interests in the region, including minerals, fisheries, and the new sea-route through the North-East Passage. Even though these interests are, of course, important for the Russian state, they are not essential for Moscow's long-term position in the international system. This need for hydrocarbons makes Moscow dependent on the West. Russian companies, like Rosneft and Gazprom, lack the necessary capital, technology, and know-how to develop and explore these resources and they have consequently established partnerships with Western companies that can supply these elements (Henderson & Loe 2014; Gustafson 2012: 470-72; Bradshaw 2010). Military and political tensions in the Arctic may discourage Western companies from engaging in these partnerships and Russia consequently has an interest in supporting peaceful cooperation in the region.

The remaining coastal states are all part of the American alliance system that dominates the global order. The United States has few grand strategic interests in the High North. The American Arctic contains some hydrocarbons and mineral resources and the US generally has an interest in keeping shipping lanes open for global traffic and attaining domain awareness and military maneuverability in the region (White House 2013: 6-7). However, none of these interests are essential for American grand strategy in the same way as Russia's Arctic interests play a crucial role for Moscow. Instead, the High North is mainly important for political reasons. The US benefits immensely from the current global order and Washington aims to prevent potential rivals, like Russia and China, from pursuing revisionist policies by showing them that they too stand to gain from the status quo. In the High North, for example, China gets influence over regional decision-making and Russia gets access to partnerships with Western oil and gas companies. However, the White House can soon deny the two states access to these benefits if they pursue destabilizing policies.

Extra-regional powers, like China and Japan, have few interests and little influence in the region, but as long as the delimitation lines have not been settled, they can challenge the legitimacy of the UNCLOS process by disputing any agreements (Byers 2014: 125-26; Tonami 2014; Kai Sun 2014; Brigham 2014). This course of action would not bring these states any material benefits, but it could be part of a revisionist approach aimed at destabilizing the current world order. No extra-regional great powers currently show sign of going down the revisionist track, but world political currents can change fast and one cannot disregard the possibility that non-Arctic states will challenge the UNCLOS process.

The smaller Arctic coastal states also benefit from the current order and they support the American course, although they have some leeway to stake out an independent course. Denmark and Canada –

the two smaller states with claims to the North Pole – are both integral members of NATO and they therefore both have an interest in maintaining the Western alliance and both countries' governments emphasize international cooperation in the region (Government of Canada 2010; Government of Denmark, Government of Greenland, and Government of the Faroe Islands 2011). Smaller states concurrently tend to prefer international cooperation and both Canada and Denmark should be more interested than the great powers in avoiding tensions in the High North. Denmark is smaller and located closer to Russia, so one would expect Copenhagen to be more willing than Ottawa to compromise with Moscow. In sum, the current constellation of interests supports a cooperative approach to Arctic politics and to the UNCLOS process.

The Arctic in domestic politics

Domestic politics also play an important role for the UNCLOS process. The polar region plays a crucial role in the national imaginaries of most of the coastal states and governments and domestic political forces can strengthen their own position by playing on these imaginaries. In Russian national identity, for instance, the Arctic forms a final frontier for civilization, a "Wild North" akin to the "Wild West" in the US. The High North represents a normative mission (to bring civilization to the North), while also serving an instrumental purpose for Russia as a region of wealth that will finance Russian greatness in the 21st century. Protecting Russia's rightful claim to the Arctic is seen as part of a wider quest of protecting Russia as such from foreign encroachment (Laruelle 2014, 24-46). The 2007 planting of a Russian flag on the North Pole sea bed can be seen as a case in point (Chivers 2007). The event had no legal repercussions – states do not acquire territory simply by planting flags on it – and it should instead be seen as an attempt at shoring up support domestically (Laruelle 2014: 10).

Similarly, the High North plays a crucial role in Canadian identity, as a unique territory from which it derives national characteristics of ruggedness and manliness that separates it from other liberal, Anglo-Saxon states (Williams 2011). This emphasis of Arctic sovereignty has been strengthened during the current Harper government (Dodds 2011). As some authors point out, emphasizing Canada's need to assert its sovereignty over the Arctic enables the conservative government to push for a strengthening of national defense and to appeal to nationalistic sentiments amongst segments of Canadian voters (Coates et al. 2008: 169-87). Some observers also argue that the sizeable Ukrainian diaspora in Canada explains Ottawa's strong stance against Russia during the Ukraine crisis (Carlson 2014; Harper 2014; Hoppe 2015).

The High North also plays a role for Danish politics, albeit in a more indirect manner. While the Arctic plays only a marginal role in Danish political identity, the continental shelf question is a crucial component of the complex relationship between Denmark and Greenland, an autonomous territory within the Kingdom of Denmark. The Danish government has ultimate say in foreign and security policy matters, but it constantly has to reaffirm the legitimacy of this arrangement by showing that it works to further Greenland's interests (Rahbek-Clemmensen 2011). According to at least one line of thinking, a minor claim designed not to antagonize Moscow could have been weakened Copenhagen's legitimacy in Greenland (Breum 2014: 186-91). However, little is known about how the continental shelf claim actually resonates in Greenland.

In sum, domestic politics has thus so far played a marginal role for the UNCLOS process, but it may disrupt the Arctic delimitation process in the future. Domestic forces may pressure governments to pursue a more demonstrative course, even though it is not in the best interest of the state. The Russian planting of a flag on the Arctic seabed in 2007 provides a case in point. The event, which was organized by leading members of the incumbent United Russia Party, did nothing to strengthen Russia's claim to the pole, but it led to raised eyebrows in the other Arctic capitals (Chivers 2007).

The geo-economic features of the Arctic and the grand strategies of the Arctic coastal states thus support the UNCLOS process. The area around the North Pole probably contains very few, if any, exploitable resources and the states generally have an interest in keeping the region peaceful. Domestic politics is the great unknown in the strategic calculus. The question has significant symbolical value for several of the coastal states and domestic forces may pressure Arctic governments to throw a wrench in the UNCLOS machinery.

The present and future of the delimitation process

The states have so far accepted the conditions outlined in Ilulissat and they have allowed the UNCLOS framework to run its course. Before the Ilulissat meeting, in 2001, Russia made a claim that extended to, but did not include, the geographical North Pole (Russian Federation 2001). Canada and Denmark found that the claim lacked data and they were unable to form an opinion (Permanent Mission of Canada to the United Nations 2002; Permanent Mission of Denmark to the United Nations 2002). The US argued that the ridges that Russia claimed to be part of its continental shelf (the Alpha-Mendeleev Ridge and the Lomonosov Ridge) were, in fact, free-standing oceanic ridges and Washington recommended that the CLCS should request more data, if it was unsure about the Russian claim (Permanent Mission of the United States of America to the United Nations 2002). Norway accepted that CLCS considered the claim (Permanent Mission of Norway to the United Nations 2002; The Russian Federation 2015). Overall, CLCS found that the claim lacked sufficient data and requested a new submission (Russian Federation 2015; Byers 2014: 107-09).

Denmark's claim from December 2014 covers an 895,000 km^2 area and is more extensive than observers had expected. It overlaps with the previous Russian claim from 2001 as well as with the 2015 Russian claim and it will most likely overlap with future Canadian and Norwegian claims. None of these states have opposed to CLCS considering the Danish claim (Danish Ministry of Foreign Affairs and Government of Greenland 2014). For long, the Danish and Canadian governments worked to make a coordinated submission, where the two states would not make overlapping claims. However, Canada reportedly rescinded on the deal in 2013 as Canada would most likely claim territory that would overlap with the Danish claim. The deal would give Ottawa no claim to the geographical North Pole and observers speculate that the Canadian change of course was an attempt to shore up popularity by the government (Breum 2014: 189-91; Chase 2013).

Russia resubmitted its Arctic claim in August 2015. The new Russian claim covers an area of 1.2 million km^2, including the geographical North Pole, and it is more extensive in the central Arctic Ocean than the 2001 claim (The Russian Federation 2015).[2] However, it still signals that Russia is willing to compromise with the Danes and the Canadians. Given that Denmark argued that the

Lomonosov ridge was an extension of both Asia and North America, Russia could have claimed the entire ridge to North America. Having made a large claim would arguably give Moscow more room for compromise and would thus have been a sensible negotiation tactic for the up-coming talks with Canada and Denmark. By refraining to do so, Russia showed that it is dedicated to settle the delimitation process peacefully. If anything, Russia is more restrained than Denmark, when it comes to its claims to the central Arctic Ocean. The other Arctic coastal states have accepted that CLCS evaluates the Russian submission (Russian Federation 2015: 10-12). The Danish and Russian claims and the other states' reactions thus show that the Ilulissat consensus still remains intact.

Although the delimitation process has hitherto run peacefully, there are some clouds in the horizon that may complicate matters down the line. The Ukraine crisis is making Arctic politics more confrontational and this may affect the UNCLOS process.[3] So far, the impact of the crisis has been mild in the High North, compared to its impact on other regions. Military tensions have increased as joint exercises have been cancelled (Østhagen 2014; Pettersen and Nilsen 2014). Russia and the West have shown their military strength in the region through exercises and military demonstrations (Nilsen 2014; Staalesen 2014; Anonymous 2015a). However, there have been fewer demonstrations in the Arctic than in other regions. For instance, Norwegian scrambles of Russian military planes have gone up 20%, compared to a 200% increase in NATO scrambles over the Baltics (Anonymous 2014; Ministry of National Defence, Republic of Lithuania 2014a; Ministry of National Defence, Republic of Lithuania 2014c; Ministry of National Defence, Republic of Lithuania 2014b; Ministry of National Defence, Republic of Lithuania 2014d; Ministry of National Defence, Republic of Lithuania 2015; Ministry of National Defence, Republic of Lithuania 2014e; Ministry of National Defence, Republic of Lithuania 2014f). None of the episodes that occurred between High North nations in the Arctic in 2014 are on par with the episodes from other regions, which include the alleged Russian abduction of an Estonian border guard, the alleged intrusion of a Russian submarine to the Stockholm archipelago, or several provocative incidents between military platforms in the Baltic Sea and the Black Sea (Frear, Kulesa & Kearns 2014; Frear 2015).

The crisis has also complicated diplomatic cooperation in the region. Sergey Lavrov, the Russian foreign minister, did not attend the 2015 Arctic Council Ministerial, thus missing his first Ministerial since 2004 (Myers 2015). Although Russia sent Sergei Donskoi, its minister of natural resources and the environment, it is difficult not to see Lavrov's absence as a Russian protest, caused by the events in Ukraine. Shortly before the meeting, Dmitry Rogozin, the controversial head of Russia's Arctic Commission who is banned from entering most Western countries, made a provocative visit to Svalbard. Although not a violation of the Norwegian sanctions of Russia, the visit led to audible protests from Oslo (Myers 2015; Pettersen 2015b). In 2014, Canada and the US boycotted an Arctic Council task force meeting that was scheduled to be held in Moscow (Mackarel 2014).

In spite of these controversies, Arctic cooperation continues. For instance, the aforementioned 2015 ministerial showed that the Arctic states agree to continue and expand the Council's project portfolio in the coming years. For example, the states agreed to implement several existing initiatives in areas such as climate protection, oil spill prevention, and marine protection and to take new initiatives, such as a telecommunications infrastructure experts group (Arctic Council 2015). Also, the Council

deferred the controversial questions regarding the role of Observers and whether the EU should be granted Observer status to 2017 (Arctic Council 2015). This shows that the states were unable to reach an agreement about one of the more controversial matters in current Arctic Council politics and it seems reasonable to argue that the Ukraine crisis added an additional layer of complexity to the matter. However, had one of the states wanted to halt Arctic cooperation, protesting or blocking discussion of the Observer question altogether would have been a natural course of action. Bilateral cooperation also continues in spite of the crisis. For example, Norway and Russia still maintain non-military cooperation, including the annual Barents emergency drill (Pettersen 2014; Pettersen 2015a).

Most importantly, the Western sanctions of Russia deliberately target Moscow's oil and gas interests in the High North, making it impossible for Western energy companies to engage in partnerships with their Russian counterparts (European Union 2014; United States Department of State 2014). The sanctions thus target the very backbone of the cooperative order in the Arctic and they may push Russia towards a more confrontational position for two reasons. First, the sanctions mean that potential partnerships with Western companies no longer function as a carrot for Russia. Moscow simply benefits less from Arctic cooperation, compared to the pre-crisis years, and one would expect that Russia would be less willing to make concessions to preserve the current order. Second, this downturn is destabilizing Putin's power-base. The Russian government has so far rested on a wide coalition that encompasses both moderates who care about economic growth and the nationalist right (Charap 2013). The combination of the sanctions and the drop in energy prices means that Russia may face years of economic stagnation, which makes it more difficult for the Putin regime to gain support from moderates. Moscow faces a choice between de-escalation and escalation in Ukraine. If it chooses the latter path, the Kremlin may decide to bolster its own domestic position by strengthening the nationalist right through a more bellicose and provocative foreign policy.

The UNCLOS process may prove to be the perfect arena for Russian posturing. The issue is symbolically important in Russia as well as in the other High North states and provocations are likely to result in harsh reactions from Ottawa and Copenhagen and perhaps even Washington. Russia's reaction to the Danish claim (which was made ten months after the beginning of the Ukraine crisis) shows that Moscow still respects the Ilulissat consensus. Although Russia disagreed with Copenhagen's interpretation, Moscow accepted that the claim was made according to the principles stipulated by CLCS and did not oppose that the commission considered the claim (The Ministry of Foreign Affairs of the Russian Federation 2014).

In sum, the delimitation process thus still runs peacefully and it seems reasonable to expect that state of affairs to continue in the future. However, policymakers and observers should be aware of the risk that domestic forces may push the states to disrupt the peaceful process and that that risk has been exacerbated by the Ukraine crisis.

Conclusion

The purpose of this piece was to use legal and geopolitical theory to examine whether Canada, Denmark, and Russia's continental shelf claims are likely to lead to tensions between the three states. It showed that international law provides principles that the states have to follow if they want to claim

Arctic continental shelves, but that states can also block this process. The core states currently stand to gain from the peaceful settlement of the issue, which has been reflected in the somewhat restraint shown thus far by the states.

Domestic politics is the big unknown. The Arctic plays a symbolically important role in the national narratives of all three states and it is not unlikely that domestic forces will pressure governments to make extensive claims or to block the UNCLOS process. The delimitation process thus entails managing domestic expectations. Furthermore, policymakers and observers should note that the Ukraine crisis may be changing Moscow's strategic calculus by making cooperation less beneficial, while concurrently strengthening the regime's dependence on nationalistic domestic forces. The Kremlin may decide to use posturing and a disruption of the UNCLOS process to stoke the flames of nationalism.

The delimitation process is still on track, but policymakers and observers should be aware of the bumps ahead and should plan their policies and reactions to avoid that the process gets derailed. *Timing* seems to be absolutely essential. Policymakers should – if possible – make claims and counterclaims at times when the tide of nationalism is ebbing and they should avoid stoking the flames of nationalism through provocations or posturing, when other states make their claims. Furthermore, they should not take foreign posturing too seriously, but rather strive to separate identity politics from actual concrete political measures. The current constellation of interests seems to favor a peaceful delimitation of the High North, but it requires cool heads in the Arctic capitals to ensure that favorable conditions lead to optimal outcomes.

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Notes

1. The following review is based on Rahbek-Clemmensen 2015.
2. The 2001 claim included an area bordering Norwegian territory in the Barents Sea. Norway and Russia had settled this question in the meantime and this part of the claim was not included in the 2015 claim.
3. For a comprehensive analysis of the impact of the crisis on Arctic politics, see Rahbek-Clemmensen (2015).

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The Arctic Security Community:

Proving Ground or Sub-Plot of a Tensed European Security Environment?

Benjamin Schaller

For a long time, economic, environmental and human challenges to security dominated the governmental discourse on Arctic security and the work of the Arctic Council. Projects and procedures of cross-border co-operation negated opportunities for any geopolitical tension in the region. Even the widely cited Arctic 'dispute', on the yet-to-be defined maritime borders in the High North, has so far followed international law under the United Nations Convention on the Law of the Sea. As a result, diplomats and many scholars optimistically assess the future of Arctic security. One could come to the conclusion that the Arctic represents "a transnational region comprised of sovereign states whose people maintain dependable expectations of peaceful change," or a potential 'Arctic Security Community.' The rising geopolitical tensions surrounding the Ukrainian crisis, however, may have now stopped, probably even reversed, the long, slow and difficult process towards such a security community in the High North. One reason, as this article argues, is that over the years, military security has been excluded from much of the Arctic security discourse. This incomprehensive security approach has made the region vulnerable to spillover effects of geo-political tensions. Worse, this approach now seems to slowly threaten even the good track record of cooperation in economic, environmental and human security dimensions. Since many government-to-government contacts, especially military-to-military ones, are currently completely immobilized, this article not only argues for a more comprehensive approach towards Arctic security, but also for a strengthening and inclusion of the region's strong levels of cross-border co-operations between research institutions, civil society actors and indigenous peoples into a 'Comprehensive Arctic Security Environment.' If such a comprehensive approach can be achieved, this article argues finally that the Arctic might even be able to serve as a proving ground for restoring mutual trust and confidence beyond its regional borders, within the currently tensed European security environment.

Introduction

On March 9th, 5000 troops launched the military exercise "Joint Viking," Norway's largest military drill in Finnmark, Norway's northernmost county ('fylke'), since 1967 (Nilsen 2015a). On the other side of the border 38,000 Russian soldiers, more than 3000 military vehicles, 41 naval vessels as well as 15 submarines and over a 100 military aircraft of the Russian Northern Fleet were put on full combat alert on March 16th (Nilsen 2015b). Carried out as a so-called "snap-exercise" – without prior

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notification to the troops involved – the Russian Federation bypassed its politically-binding obligations as a participating state of the Organization for Security and Co-operation in Europe (OSCE) and was thus not obliged to internationally announce the exercise in advance or to invite foreign military observers. This raised some controversial debate about whether Russia's exercise was a direct response to Norway's military activities or not (Bentzrød 2015a). While such a connection is difficult to prove and Russia was also arguably compliant with its international obligations, its behaviour did not – and probably was not supposed to – send an unequivocal signal of détente. It rather lines up in a series of events which seem to mark a decreasing level of trust in the region.

By the end of the Cold War the Arctic had only a limited potential for military conflict (Welch 2013: 2 f.). In fact, for years the Arctic was characterized by researchers and diplomats alike as an environment in which any form of military escalation was very unlikely (Welch 2013; Lind 2014; Bergh 2014; Wezeman 2014). One could argue that the Arctic was developing towards a convincing example of a 'Security Community.' On the other hand, unlike the theoretical concept that Emanuel Adler and Michael Barnett had proposed, this 'Arctic security community' had started to form around 'soft' security issues in the 'economic and environmental' as well as in the 'human' dimension of security and beyond the traditional understanding of states as the only capable security providers. At the same time, 'hard' security issues were excluded from much of the Arctic security discourse and this incomprehensive security approach has made the region vulnerable to spillover-effects of geo-political tensions emanating from the crisis around Ukraine. As these now seem to slowly threaten even the good track record of cooperation on 'soft' security issues in the Arctic, this article advocates for a broadening of the theoretical concept of 'Security Communities', to include security issues along all three dimensions of the OSCE's comprehensive security approach as well as to consider additional actors and providers of security, other than the state.

For this purpose, the article will first briefly outline the traditional theoretical concept of security communities. Afterwards, it assesses the extent to which the Arctic today can be considered a traditional security community, and to what degree spillover effects from the crisis in and around Ukraine have influenced this development, if at all. This analysis shall also highlight some of the shortcomings of the traditional concept of security communities in which security issues are not sufficiently addressed across all three security dimensions and almost exclusively dominated by states. The article will conclude by discussing the advantages of enhancing the traditional concept of security communities. It will furthermore discuss ways through which the Arctic states can facilitate the formation of a comprehensive Arctic security community in the future and how the region might even be able to transform into a proving ground for restoring trust and mutual confidence beyond its borders.

Practical examples used in this article will be primarily chosen from the bilateral relations between Norway and Russia. As this article does not claim to deliver a full-fledged in-depth analysis, the presented line of argumentation should be treated as an initiatory discussion for broader ones on security in the High North in the future.

The theoretical concept of security communities and methodological considerations

One of the underlying assumptions of this article is that regional security is hardly immune to geopolitical changes and to outside influences. Looking for example into the Arctic region, the current changes in the European security environment seem to also require an assessment of possible spillover-effects to the security agenda in the High North. In this regard, theories, such as the well-established 'regional security complex theory' by Barry Buzan and Ole Waever (2003), seem only little promising, as they particularly emphasize 'proximity', both, for security interaction, but also for security threats especially in the military, political, societal and environmental sector (Buzan & Wæver 2003: 45 f.). Technological progress and global security challenges like climate change seem to ask for a much more general and open theoretical framework. The subsequent section will thus briefly define and outline the theoretical concept of 'Security Communities,' which will afterwards serve as the point of departure for identifying the key elements of an Arctic security community as well as for discussing spillover effects from the Ukrainian crisis.

Definition

The term 'Security Community' was first coined in 1957 by political scientist Karl Deutsch in his research on political communities (Deutsch 1957). He argued that security communities would represent a particular form of a political community, one in which the members of a certain geographical area hold a long-term "dependable expectation […] of 'peaceful change"' (Deutsch 1957: 2) as they share the common belief that group-internal disputes will solely be regulated and resolved through non-violent, institutionalized procedures (ibid.). While also elaborating briefly on necessary conditions for the establishment of such communities, for example communication (ibid.: 17 f.) and common, unifying core areas (e.g. size, economy, and administration) (ibid.: 18 f.), Deutsch's concept failed to provide a clear analytical framework for their identification. It took another 40 years until Adler and Barnett enhanced and transformed the concept into a researchable theoretical framework. While mostly adopting Deutsch's seminal definition, they placed special emphasis on the aspect that 'sovereign states' represent the key members of a security community (Adler & Barnett 1998: 30).

Key elements of security communities

The concept of security communities is comprised of three key elements, according to Adler and Barnett. First, the members of a security community have shared identities, values, and meanings. Second, they have many-sided and direct relations. Third, they share a common long-term interest (ibid.: 31).

This article underscores a central shortcoming of Adler and Barnett's construction of the security community concept. Treating many-sided and direct relations as a separate indicator for security communities ignores that developing shared identities, values, meanings and long-term interests without having many-sided and direct relations in the first place seems rather unlikely. While these elements in reverse also increase the amount of direct relations, they represent, as this article argues, a necessary precondition rather than a simple element of security communities. Direct relations, as

also Adler and Barnett admit (ibid.: 54), initiate and foster the learning process which is needed for all sides, to learn from and about one another's motives and behaviours. It is this knowledge about the other members, which creates trust and the conviction that a member of a security community can, regardless of the current actions of others, expect peaceful change (ibid.: 54 f.). In a most ideal case, this is achieved by a merger of identities, values, meanings and long-term interests, something Adler and Barnett would call 'tightly coupled' security community (ibid.: 56).

However, it is also important to point out that direct relations are nothing to be measured in quantitative terms, something which Adler and Barnett's use of the term 'many-sided' seems to imply. Purely counting the number of direct encounters appears to be simplistic and thus inaccurate, as it simply assumes that every interaction automatically leads to merging perceptions and expectations in security spheres. Much more emphasis should thus be put on a qualitative assessment of these contacts.

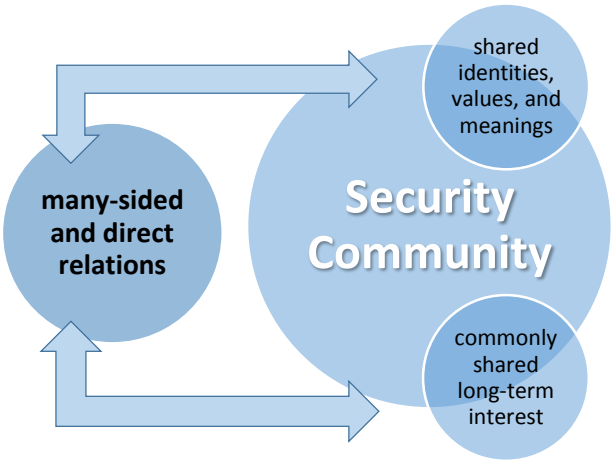

Figure 1. Key Elements of Security Communities (based on Adler & Barnett 1998).

Methodology

This section shall provide some brief answers to the most important methodological considerations in this article. These mainly include aspects of operationalization, case selection and empirics.

Operationalization

The actual operationalization of indicators on highly normative theoretical concepts, such as security communities, is probably one of the most difficult aspects of conducting research. Measuring or even identifying 'many-sided and direct relations,' 'shared identities, values, meanings' as well as 'common long-term interests' is a highly delicate and normative task and will remain vulnerable to controversial debate and disagreement. Thus, the used operationalization in this article will also not claim to be inviolable to critique. Moreover, this article tries to increase the reliability and validity of its findings in two ways. First, it will rely on the established operationalization of Amitav Acharya's study on a possible security community in Southeast Asia (2014). Second, it will present the line of argumentation in the most transparent way possible. Building upon an established framework appears also most reasonable in light of the article's limitations in scope.

Since many-sided and direct relations have been identified as a necessary pre-condition for the formation of security communities, these will form the core point of departure for the assessment of security communities. Nevertheless, since states in today's globalized world are able to meet and interact in numerous international venues, the analysis of this article will put special emphasis on official governmental forums which are Arctic-specific.

In order to evaluate the existence of shared identities, values, meanings and commonly long-term interests, Amitav Acharya divided his analytical framework into three sections: one about norms in dispute settlement, one about norms for collective action and one with regard to the issue of collective identity (ibid.: 36). The main-guiding questions he identified for each of these sections will also form the analytical basis of this article and are summarized in the following table:

Table 2. Constructing security communities: a framework (Acharya 2014: 36).

Questions about norms in dispute settlement	
1	In handling intra-regional disputes, has the use of force been resorted to or seriously envisaged?
2	Has there been any indication of competitive arms acquisitions and military planning during the course of the dispute?
3	Does the group provide for institutional mechanisms to settle disputes between members?
4	How often do members resort to such mechanisms?
Questions about norms in collective action	
1	Does the group follow its norms in devising functional cooperation, such as economic cooperation?
2	Does the group follow its norms in dealing with outside actors?
3	What is the level of support provided by other members of the group to a member who is involved in a dispute with an outside actor?
4	How does the group handle disunity or breaking of rank by any member(s) over cooperative and collective action problems?
Questions about collective identity	
1	Has there been a growing resort to multilateral approaches to problems compared with the past, including new issues which have been brought under the purview of multilateral cooperation?
2	Has cooperation led to formal or informal collective defence (including policy coordination against internal threats), collective security and cooperative security arrangements?
3	Has it involved and produced new ways of expressing social identity, such as redefining the region?
4	To what extent do countries outside the group recognise its new social identity?

Case selection, empirics and constraints

This article will not be able to extensively discuss and answer each single question of Acharya's framework or to cover the full spectrum of relevant dynamics within the Arctic security community. Most examples will therefore be derived from previous studies on the subject and in particular from the bilateral relations of Norway and Russia, a choice that appears particularly rewarding for a number of reasons: Firstly and probably most importantly, since the End of the Cold War, Norway and Russia share a long-lasting history of co-operation in the High North (Wezeman 2012: 6 f.; Nilsen 2015a; Pettersen and Nilsen 2015). Secondly, given that Norway is a member of the North Atlantic Treaty

Organization (NATO), it is also possible to cover the aggravating nexus of the currently strained NATO-Russia relations (Åtland & Pedersen Torbjørn 2014). This situation is fostered even more by the fact that thirdly, both countries are sharing a direct national border and fourthly, have for different reasons, a considerable share of their armed forces deployed above the Arctic Circle (Wezeman 2012).

The Arctic region – a traditional security community under pressure of the Ukrainian crisis?

Based on the theoretical framework of security communities, the aim of this section is to identify to which degree the Arctic today can be considered a traditional security community. Based on the assumption that regional security cannot be treated separately from global security developments, if and to what degree has the recent crisis in Ukraine influenced this development. Treating many-sided and direct relations as a necessary precondition, the identification of the existence of the precondition will be the point of departure, followed by an assessment of the Arctic's norms in dispute settlement, for collective action as well as its collective identity.

Many-sided and direct relations

The Arctic Council (AC) is at the core of multilateral relations in the High North (Bailes & Heininen 2012: 12). Its mandate seeks to "provide a means for promoting cooperation, coordination and interaction among the Arctic States, with the involvement of the Arctic indigenous communities and other Arctic inhabitants on common Arctic issues, in particular issues of sustainable development and environmental protection in the Arctic" (The Ottawa Declaration 1996). The Barents Euro-Arctic Council (BEAC) and the Northern Dimension of the EU (ND) provide additional formats for discussing possible means of cooperation on non-military aspects of security in the High North (Bailes & Heininen 2012: 13).

Since the AC explicitly excludes dealing with issues of military security (Ottawa Declaration 1996), there are no official Arctic-specific multilateral forums dealing with traditional issues of military security (Regehr & Buelles 2015: 72). The informal annual meeting of the Arctic's Chiefs of Defense Staff (CHOD) (ibid.: 72 f.), the newly established Arctic Coast Guard Forum (ACGF)[1] (U.S. Coast Guard 2015), other joint military and coast guard exercises as well as minor forms of military co-operation are thus the countries' only forums for discussing military and traditional security perceptions exclusively among each other (Regehr & Buelles 2015: 69 ff.).

Apart from solely Arctic-specific forums, all Arctic states can address a large variety of their military security concerns related to the region through a number of non-Arctic-specific multilateral forums. For this purpose most important are the OSCE's 'Forum for Security Co-operation (OSCE – FSC)', the Euro-Atlantic Partnership Council (EAPC) of NATO as well as the NATO-Russia Council (NRC) from which the latter is only available to NATO member states and the Russian Federation. Members of the Arctic states' armed forces further officially meet during the cooperative implementation of the OSCE's Vienna Document 2011 (VD'11) on Confidence- and Security-Building Measures (CSBMs)[2] the implementation of the treaty on Open Skies (OS).[3]

After Russia's illegal annexation of Crimea and critical involvement in the conflict in eastern Ukraine, many of the above presented forums have either seen a clear cooling in the relations of most Arctic states to Russia and are now dominated by mutual accusations or have for the time being been completely suspended. The suspended forums are those which involve practical military cooperation with Russia, such as the NRC (NATO Foreign Ministers 2014), the CHOD and joint military exercises and other forms of direct military co-operation (e.g. Pettersen 2014; Pettersen & Nilsen 2015; Johnsen 2015). At the same time, the statement by NATO's Foreign Ministers emphasizes that the political dialogue with Russia can continue on "the Ambassadorial level and above" (NATO Foreign Ministers 2014).[4] Other forums and formats, such as the AC, the BEAC, the FSC, the EAPC and the implementation of VD'11 and OS are challenged by different degrees of spillover effects from the Ukrainian crisis (e.g. United States Mission to the OSCE 2014; Nilsen 2015b; Rahbek-Clemmensen 2015; Pettersen 2015d). These spillover effects seem so far least visible for the EU's Northern Dimension, for the ACGF and joint non-military[5] exercises (e.g. Pettersen 2015c; Johnsen 2015). The impact of the Ukrainian crisis on direct and many-sided relations in the Arctic can thus be summarized as:

Table 3. Spillover effects from the Ukrainian crisis on direct relations in the Arctic (by the author).

Direct Relations with Russia	Forums	
	Military	Non-Military
Suspended	NRC, Meeting of CHOD, Joint Military Exercises and cooperation	
Stressed	EAPC, OSCE – FSC, VD'11, OS	AC, BEAC
(rather) Unaffected		ND of the EU, ACGF, Joint non-military exercises (e.g. Coast Guards)

Norms in dispute settlement

Over decades, many scientists and practitioners considered the possibility of the use of military force or even its threat in the region as highly unlikely (Welch 2013; Lind 2014; Wezeman 2014; Bergh 2014), an understanding which seemed to be strongly based on a set of commonly shared norms for dispute settlement.

While having always been some kind of a natural habitat for strategic missiles and ballistic missile submarines (so-called SSBNs), with the capacity of launching nuclear missiles, the region's harsh climate made conventional military operations always extremely difficult to carry out (Welch 2013: 2). As a result, the Arctic, in direct comparison with other regions, never was one with high levels of militarization (Wezeman 2012: 13 f.) and the most interesting and noteworthy activities from a military security perspective, seem to have and are still happening underneath or well above the Arctic ice sheet (Welch 2013: 2; Bamford 2015).

Taking the delimitation of yet to be defined borders in the region – probably the most often referred to dispute in the area – the five Arctic littoral states committed themselves within the 'Ilulissat

Declaration' to abide by international law in order to settle their conflicting territorial claims on the Arctic continental shelves (Arctic Ocean Conference 2008) and also reiterated this commitment, in the Arctic Council's 'Vision for the Arctic':

> The further development of the Arctic region as a zone of peace and stability is at the heart of our efforts. We are confident that there is no problem that we cannot solve together through our cooperative relationships on the basis of existing international law and good will. We remain committed to the framework of the Law of the Sea, and to the peaceful resolution of disputes generally (2013: 2).

All Arctic states seem to have followed these norms and existing regulations when making territorial claims or settling border disputes in the region. In 2010, Russia and Norway for example signed an agreement on the delimitation of their borders in the Barents Sea (Centre for Borders Research 2015: 3). Similar treaties and agreements also exist for various other border delimitations in the Arctic, even for the USA (ibid.) which has not yet signed the United Nations Convention on the Law of the Sea (UNCLOS). UNCLOS has not only provided a reliable framework of rules and regulations in the past, but also for the remaining and still to come overlapping claims in the High North (Dodds 2010: 66).

In addition to an apparently accepted existing framework, the remaining unresolved border delimitations, such as Hans Island or the more or less 'symbolic' North Pole, are considered to carry little conflictual potential to provide enough ground for a risen fear of military confrontation in the region (Welch 2013: 2 f.; Mazo 2014).

Both observations seem to continue to hold true. After its updated submission to UNCLOS in August, the Russian Ministry of Foreign Affairs reiterated:

> We have been well aware of the Danish plans […] and it has for a long time been clear that the country's bid for extended continental shelf will include and even exceed the North Pole. […] Possible overlapping parts of our countries' shelf in the Arctic will be delimited in a bilateral manner, in negotiations and on the basis of international law (Staalesen 2015b).

Most of the recent changes in military infrastructure, deployment or arms acquisition in the Arctic have so far been neither very strong in their force projection nor very specifically directed towards the region as such. They are much more a response to a quickly melting natural environment, which for example requires a strengthening of the countries' northern border security capacities for the prevention from potential threats through for example smuggling, human trafficking or international terrorism (Wezeman 2012; Padrtová 2014: 421; Lind 2014; Bergh 2014; Wezeman 2014). Also the actual fulfillment of this military planning can be met with a considerable amount of skepticism – mainly due to the high costs they pose (Wezeman 2012: 14; Padrtová 2014: 421).

Nevertheless, Russia's recent violations of international norms for peaceful dispute settlement in Georgia and in course of the crisis in and around Ukraine have also severely increased suspicion about the country's military strategy in the High North, which on the one hand concentrates on the modernization of its armed forces and on the other hand on improvements in military infrastructure:

> Russia is modernizing the Northern Fleet's strategic nuclear submarines, and […] [i]n January 2015 Russia established a new Arctic brigade in Alakkurti, located just

> 60 kilometres from the Finnish border. By 2016 another brigade will be established on the Yamal peninsula (Klimenko 2015).

While Russia reiterated that it considers a strong Russian military presence and the protection of its interests in the Arctic by military means as an integral part of its national security (Pettersen 2015a) and also named the Arctic as key area in its new maritime doctrine (Pettersen 2015e), the Nordic ministers of defense and Iceland's minister of foreign affairs reacted to the changed security environment in a joint declaration:

> The Russian aggression against Ukraine and the illegal annexation of Crimea are violations of international law and other international agreements. Russia's conduct represents the gravest challenge to European security. As a consequence, the security situation in the Nordic countries' adjacent areas has become significantly worsened during the past year…. we must be prepared to face possible crises or incidents (Bentzrød 2015).

This statement highlights the possibility that the Arctic states – if they ever did – seem to have lost a large degree of their unconditional belief in a common set of norms for peaceful dispute settlement in the Arctic region.

Norms for collective action

Within the framework of the Arctic Council, the Arctic states adopted two agreements which established legally binding mechanisms for acting cooperatively in the fields of Search and Rescue (SAR) (Arctic SAR Agreement 2011) and for reacting collectively to marine oil pollution in the Arctic (Agreement on Oil Pollution Preparedness and Response in the Arctic 2013). They furthermore provided joint declarations for the United Nations Framework Convention on Climate Change (UNFCCC) (Arctic Council 2015).

Similar cooperation on issues of traditional military security are, if at all, expressed in a number of joint military exercises in the region with their main tasks of practicing SAR, Anti-Terrorism and Anti-Piracy (Regehr & Buelles 2015: 70 ff.). Other Arctic-specific forms of military cooperation do not exist, since the countries rather focus on other multilateral defense co-operations, most notably NATO, the 'Nordic Defence Cooperation (NORDEFCO)', or bilateral co-operation, such as between the US and Canada or between Norway and Russia.

In course of the Ukrainian crisis, the picture of military cooperation and collective defense in the Arctic became even more fragmented. While all direct military cooperation with Russia – thus also all joint military exercises – was suspended, military exercises on both sides seem now to follow a perfidious geopolitical logic of escalation in which every 'show of force' from one side sees a direct response from the other side. After Norway's largest military exercise in proximity to the Norwegian-Russian border since 1967, Russia carried out an even larger military exercise of its Arctic Northern fleet. The disproportionate nature of Russia's exercise becomes particularly evident considering that the Norwegian exercise was announced far ahead in time and involved around 5,000 Norwegian soldiers, while Russia's involved a total of 38,000 soldiers and was carried out without prior notification (Mjaaland 2015). This increasing military tit-for-tat repeated itself when Russia in May

once again seemed to directly respond to the long announced 'Arctic Challenge Exercise 2015' with yet another even larger exercise.[6] At the same time, there is also a clear increase in military activities. In 2014, Russia for example increased submarine patrols in the Northern Sea by almost fifty percent (Nilsen 2015c). The amount of intercepted Russian spy aircrafts by NATO was three times higher than in 2013 (Bamford 2015).

While it still seems unclear how they affect practical Arctic cooperation, spillover effects are also visible in the non-military security dimensions. For example, after being requested to register as a 'foreign agent,' the Nordic countries decided to close the information offices of the Nordic Council of Ministers in Northwest Russia indefinitely:

> The office cannot operate in the current conditions. The purpose of the Council of Ministers' presence in Northwest Russia to create closer links and better networks between the Nordic countries and Northwest Russia is impossible to achieve as a foreign agent (The Nordic Council of Ministers 2015).

In conclusion, if one was about to argue for the formation of norms of collective action in the High North, apart from those related to SAR, oil spills and the drastic consequences of climate change, these now see a severe setback as a consequence of Russia's role in and around the Ukrainian crisis.

Collective identity

The AC is probably the most visible multilateral approach to a collective identity in the Arctic. The Council had a lasting effect on formulating common Arctic positions on climate change, SAR and environmental protection which is well illustrated by the Arctic states' joint statement to the Warsaw Climate Change Conference 2013:

> Within the Arctic Council, we know that we can learn from each other, and cooperate to contribute to global solutions. This is why Arctic Council States remain firmly committed to work alongside other countries under the UNFCCC to reach – as a matter of urgency – […] the long term goal aimed at reducing greenhouse gas emissions so as to hold the increase in global average temperature below 2°C above pre-industrial levels (Arctic Council 2013).

At the same time, the growing number of Observers to the Arctic Council – non-Arctic states as well as Intergovernmental and Inter-Parliamentary Organizations – further contributes to a recognition of the Arctic states' new social identity (ibid.).

Similar observations towards a collective Arctic identity with regards to traditional military security can hardly be made (Heininen 2014: 47) and have probably also not really been actively pursued. The annual Arctic CHOD meeting established some regional means to exchange information regarding the states' regional military capacities to support SAR and other civilian missions (Department of National Defence and the Canadian Armed Forces 2013) and a few joint military exercises established some means of collective action for SAR, Anti-Terrorism and Anti-Piracy (Regehr & Buelles 2015: 69 ff.). However, a true collective identity for military security in the Arctic has never truly formed as national mindsets appear to be still under the influence of the Cold War (Åtland & Pedersen Torbjørn 2014: 33).

While not focusing on military security seems to have actually served the Arctic well in forming a collective identity in the past, the disregarding of military security issues threatens to put a hold to this development in the context of the Ukrainian crisis. While multilateral approaches in the economic, environmental and human dimension seem to be able to overcome most of the negative spillover-effects, NORDEFCO and NATO move closer together in face of a perceived threat by the Russian Federation:

> The Russian military is acting in a challenging way along our borders, and there have been several infringes on the borders of the Baltic nations. […] The Nordic countries meet this situation with solidarity and a deepened cooperation (Bentzrød 2015).

The never fully closed gap between Russia and the other Arctic states – not only, but especially in the military security dimension – seems wider than ever.

The Arctic: proving ground or sub-plot of a tensed European security environment? Concluding remarks

While this article was not able to carry out a fully in-depth analysis, it still highlighted some of the most visible spillover effects from the Ukrainian crisis in the Arctic. While further research on the formation of an Arctic security community is required, this article seems to indicate that the crisis did not put an end to an already existing security community in the High North, but rather slowed down, or probably even stopped, the long and slow process of its formation after the end of the Cold War. Many-sided and direct relations, norms in dispute settlement and for collective action were established and a collective Arctic identity seemed to have emerged. While the focus on non-traditional challenges to human, cultural, energy, economic and environmental security dominated the governmental discourse on Arctic security (Bailes & Heininen 2012: 99 ff.; Welch 2013: 5), the politico-military dimension has always been actively kept out (see Table 3). After a period of military confrontation, this approach seemed quite reasonable. Due to climate change, the melting of the Arctic ice sheet accelerated and

Arctic Security Community		Security Dimension	
		Politico-Military	Economic, Environmental, Human
Indicator	Many-sided and direct relations	Not formalized	Yes
	Norms in dispute settlement	Strictly limited	Yes
	Norms for collective action	Strictly limited	Yes
	Collective identity	No	Yes

Table 4. The Arctic Security Community before the outbreak of the Ukrainian crisis (by the author).

the extraction of so far unexploited natural resources as well as the use of new shipping routes in the Arctic Ocean became more profitable. With it also came serious challenges to the environment, an increased need for solid capabilities to conduct SAR operations and to minimize threats by oil-spills, terrorism, trafficking, illegal migration and organized crime (Wezeman 2012: 14). At the same time the slow, but constant increase in the presence of military forces and capabilities continued to be excluded from a broader Arctic security discourse and thus fully in line with the logic of 'Securitization' (Buzan et al. 1998: 23 ff.), no extraordinary measures were taken to 'desecuritize' potential and traditional military threats to the region, simply because they were not 'securitized' in the first place.

As the Ukrainian crisis seems now to indicate, cooperation solely on economic, environmental and human security appears vulnerable to geopolitical spillover effects. Having not tackled traditional security seriously enough in the past, now even seems to bring cooperation on non-traditional security under stress as the Arctic gets drawn deeper and deeper into a sub-plot of tensed geopolitics. Meanwhile, also the new US Arctic Council chairmanship's agenda continues to stick very closely to the council's original mandate and specifically disregards issues of traditional military security (Kerry 2015).

From sub-plot to proving ground: lessons-learned from a tensed Arctic security environment

As the Ukrainian crisis has shown, there are four major lessons to be learned from the recently tensed Arctic security environment:

1. **No immunity from spillover effects:** Even if conflict emerging within the Arctic is ruled out, the region is not (and never was) immune from spillover effects from outside the region.
2. **Preserve cooperation in the economic, environmental and human dimensions of security:** Since military cooperation with Russia is currently suspended, even more efforts should be put into the conservation and strengthening of the economic, environmental and human security dimension. The continuation of cooperation between Norway and Russia in the sphere of SAR seems to be an already very positive signal in this regard (Johnsen 2015).
3. **Strengthen civil society and indigenous people:** As many government-to-government and especially military-to-military contacts are currently completely suspended, special emphasis should be put on cross-border co-operation between research institutions, civil society actors and indigenous peoples who seem much less affected by the current crisis (e.g. Bailes & Heininen 2012: 108 f.; Munk-Gordon Arctic Security Program 2015). Strengthening these contacts could contribute to negating stress in other security dimensions or between different security actors.
4. **Future strengthening of the military security dimension:** The military security dimension could for example be strengthened by military cooperation such as proposed by Thorvald Stoltenberg[7] (2009), by the implementation of CSBMs (Schaller 2014) or by establishing proper rules of engagement and higher levels of people-to-people contacts (Bergh 2014; Wezeman 2014).

While all Arctic states should work hard to preserve what they achieved in the past, at the moment, the burden seems to be on Russia to send the first, genuine signals of relaxation in the relations with

its Northern neighbours. A full commitment by all Arctic states to their international obligations under the umbrella of the OSCE, such as the prior announcement of and the invitation of international observers to future large-scale military exercises in the region, could be considered an important first step. Subsequent, additional regional measures of military confidence-building – for example as proposed in the OSCE's Vienna Document – could further contribute to détente in the High North. The strong Russian economic and energy interests in the Arctic (Sputnik News 2015) could for this purpose prove a distinct advantage, since the region's harsh climate will continue to require multilateral efforts to live up to these interests (Yenikeyeff & Krysiek 2007: 12 f.; Nopens 2010; Bailes an& Heininen 2012: 100; Baev 2015). In this regard, the Arctic might not only be able to step out of its role as a sub-plot of the tensed European security environment, but probably even be able to transform into a proving ground for restoring trust and mutual confidence also beyond its regional borders.

Nevertheless, as long as the Russian government continues to draw its power from geopolitical rhetoric and behaviour, for example by threatening Denmark with the use of nuclear weapons (Isherwood 2015), no swift improvements in the Arctic as well as in the European security environment might be expected.

Whatever the future might hold for the Arctic security agenda, the Arctic states remain in control of substantially shaping it.

Notes

1. The Forum so far only met at the experts' level and will only be formally launched in the Fall of 2015. Its mandate addresses the implementation of the international search and rescue and oil spill response and prevention agreements in the Arctic. Issues of military security will not be addressed.
2. The VD'11 is a set of CSBMs that include annual exchanges of military information and on defense planning, mechanisms for risk reduction, regular military contacts, the prior notification and observation of military activities as well as measures for verification of the participating states compliance with the agreement (VD'11 2011)
3. Within the treaty on OS, all state parties have agreed to accept (passive quota) and are able to carry out (active quota) cooperatively aerial observation flights over the sovereign territories of all state parties.
4. To what degree the suspension of direct military cooperation affects the daily informal communication between both sides cannot be accurately assessed in this article. It would thus rather be speculative.
5. The Arctic coast guards have a mixed structure of both, more civilian (e.g. Canada and Sweden) as well as more military (e.g. Norway, Russia and the US).

6. While the 'Arctic Challenge Exercise 2015' involved 115 aircrafts from Norway, Finland, Sweden, the United Kingdom, USA, Switzerland, France and Germany (Pettersen 2015b), Russia's response involved 12,000 soldiers as well as 250 aircrafts and helicopters (Staalesen 2015a).
7. Thorvald Stoltenberg served as Norway's Minister of Defense and Minister of Foreign Affairs and is also the father of NATO's Secretary General Jens Stoltenberg.

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List of Abbreviations

AC	Arctic Council
ACGF	Arctic Coast Guard Forum
BEAC	Barents Euro-Arctic Council
CHOD	Arctic's Chiefs of Defence Staff
CSBMs	Confidence- and Security-Building Measures
EAPC	Euro-Atlantic Partnership Council
FSC	Forum for Security Co-operation
NATO	North Atlantic Treaty Organization
ND	Northern Dimension of the EU
NORDEFCO	Nordic Defence Cooperation
NRC	NATO-Russia Council
NWFZ	Nuclear-Weapon-Free Zone

OS	Treaty on Open Skies
OSCE	Organization on Security and Co-operation in Europe
SAR	Search and Rescue
SSBN	Ship Submersible Ballistic Nuclear
UNCLOS	United Nations Convention on the Law of the Sea
UNFCCC	United Nations Framework Convention on Climate Change
VD'11	Vienna Document 2011

Section V

Commentaries

Commentary

The GLACIER Conference & President Obama's Links to the Arctic

Lawson W. Brigham

The U.S. Department of State, led by Secretary of State John Kerry, hosted an improbable international Arctic conference in Anchorage, Alaska on 31 August 2015. That President Obama spoke at this conference, conducted a signature tour of Alaska, and became the first sitting U.S. President to visit above the Arctic Circle in Alaska made it an historic trip that emphasized the importance of the Arctic to America and the globe. It was very clear from the outset that the conference, together with the entire visit of the American leader to Alaska, was a political event organized to highlight the President's climate change agenda in preparation for the 21st Session of the Conference of the Parties to the UN Framework Convention on Climate Change, or COP21 (to be held 30 November to 11 December 2015 in Paris).

Interestingly, the U.S. is currently chair of the Arctic Council (to May 2017), the intergovernmental forum of the eight Arctic states chartered in 1996. However, the State Department advised that the Anchorage venue was explicitly *not* an Arctic Council meeting. Nor was the gathering an official preparatory meeting for COP21.

On one hand the GLACIER (Global Leadership in the Arctic: Cooperation, Innovation, Engagement and Resilience) Conference was an *international venue* with the heads of delegation of 19 nations and the European Union joining Secretary Kerry in Anchorage to discuss Arctic climate change issues.

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Seven nations sent their foreign minister (Denmark, Finland, Iceland, Republic of Korea, Netherlands, Norway and Sweden) to join Secretary Kerry and the remaining delegations were led by high-level representatives, many who represent non-Arctic states as Observers to the Arctic Council. In my judgment equally important is that this was a *U.S. domestic political venue* crafted to address three themes: remind Americans the United States is an Arctic nation; emphasize the importance of rapid Arctic climate change observed in Alaska; and, provide an opportunity for President Obama to speak with Alaskans and hold key meetings with indigenous people who live in America's Arctic. The GLACIER Conference and the President's visits to Seward, Dillingham and Kotzebue (a community located above the Arctic Circle on the Chukchi Sea) gained global media coverage highlighting a broad range of Arctic, Alaskan and global climate issues.

The GLACIER Conference – led by Secretary Kerry – was organized into three sets of sessions for the more than 400 participants: one for the foreign ministers and official delegations, and two for the experts, actors and stakeholders who were invited by the White House and State Department. The 'Foreign Minister Sessions' focused on three themes: The Arctic's Unique Role in Influencing the Global Climate; Climate Resilience and Adaptation Planning; and, Strengthening Arctic Cooperation and Coordination on Ocean Stewardship, Environmental Protection, and Support to Local Communities.

A designated 'Track A' focused on an array of key Arctic community issues: Building the Resilience of Arctic Coastal Communities in the Face of Climate Change; Protecting Communities and the Environment through Climate and Air Quality Projects; and, Healthy Arctic Homes: Designing Structures for the 21st Century. 'Track B' sessions were focused on international challenges: Strengthening International Preparedness and Cooperation for Emergency Response; Preventing Unregulated High Seas Fisheries in the Central Arctic Ocean; and, Strengthening Observation Networks.

GLACIER was opened by a Denai'na leader, Lee Stephen, First Chief of the native village government of Eklutna, Alaska who spoke of the more than 10,000 years of indigenous life in his ancestral region. He was followed by: Mayor Ethan Berkowitz of the host city Anchorage; Mayor Reggie Joule (an Inupiaq leader) of the Northwest Arctic Borough; Alaska's Lieutenant Governor Byron Mallot (a Tlingit Indian from southeast Alaska); Dr. John Holdren, the President's Science Advisor and Director of the White House Office of Science and Policy; and, Admiral Robert J. Papp who is the U.S. Special Representative for the Arctic. Secretary Kerry completed the introductions by acknowledging Alaska was surely the place to be to discuss Arctic climate change issues, and noting that the GLACIER outcomes would help shape the COP21 discussions in Paris. Following the conference, the State Department issued a *Joint Statement on Climate Change and the Arctic* that was from the United States, the attending Foreign Ministers, and other representatives from France, Germany, Italy, Japan, the Republic of Korea, Poland, Singapore, Spain, the United Kingdom, and the European Union. Together they affirmed that "climate change poses a grave challenge to the Arctic and the world." The statement noted that the many observed Arctic changes are at unprecedented rates and are impacting Arctic communities where adaptive management strategies and new infrastructure are imperatives.

The group affirmed their strong determination to work together on addressing the challenges of a warming Arctic and planet.

President Obama's speech came at the end of the GLACIER Conference and after he had met early in the afternoon with a group of Alaska Natives. After thanking all Alaskans for hosting the conference, he told the assembled international delegations that America was ready to work with their nations on the many challenges the Arctic presents. Select key passages from his remarks taken from The White House Press Release on 1 September 2015 include:

- *We're here today to discuss a challenge that will define the contours of this century more dramatically than any other … and that's the urgent and growing threat of a changing climate.*
- *The Arctic is the leading edge of climate change – our leading indicator of what the entire planet faces.*
- *Climate Change is no longer some far-off problem. It is happening here. It is happening now … And climate change is a trend that affects all trends – economic trends, security trends. Everything will be impacted.*
- *I've come here today, as the leader of the world's largest economy and its second largest emitter, to say that the United States recognizes our role in creating this problem, and we embrace our responsibility to help solve it.*
- *We can have a legitimate debate about how we are going to address this problem; we cannot deny the science. We also know the devastating consequences if the current trend lines continue. That is not deniable.*
- *If we were to abandon our course of action, if we stop trying to build a clean-energy economy and reduce carbon pollution, if we do nothing to keep the glaciers from melting faster, and oceans from rising faster, and forests from burning faster, and storms from growing stronger, we will condemn our children to a planet beyond their capacity to repair.*
- *On this issue, of all issues, there is such a thing as being too late. That moment is almost upon us. That's why we're here today. That's what we have to convey to our people – tomorrow, and the next day, and the day after that. And that's what we have to do when we meet in Paris later this year.*

All who were present would confirm that it was an eloquent speech filled with candor about a hugely complex Arctic and global challenge. Sprinkled with examples of profound Arctic change – sea ice melting, permafrost thawing, glaciers retreating, increasingly acidic oceans, changing migration patterns, and eroding coastal communities – the speech indicated the President is well-prepared to argue all of these issues and more in some detail at COP21 in Paris.

As with most Presidential visits to a U.S. region or state, the administration in power announces a number of initiatives prior to and during such a visit to build political capital and create a legacy of action. One of the unanticipated and immediate decisions for the Alaska visit was made by Secretary of the Interior Sally Jewell who has authority over U.S. place names. With the President's support, the name of the highest peak in North America was returned to *Denali*, the Athabascan name for 'the high one.' Re-establishing *Denali* in place of *Mount McKinley* has been argued for nearly four decades and this decision set a very positive tone for most Alaskans. It was announced that the Denali Commission (a federal body) would take the lead in coordinating new federal funds and competitive grants devoted to assisting villages that are heavily impacted by climate change. President Obama also announced

several new federal investments to enhance safety and security in a changing Arctic: accelerating the acquisition of new U.S. Coast Guard icebreakers; action to be taken by NOAA and the Coast Guard to promote safe marine operations and transportation in the Arctic through mapping and charting of the Bering, Chukchi, and Beaufort seas; evaluating the feasibility of deepening and extending Nome's harbor by the U.S. Army Corps of Engineers in view of making it America's Arctic deep water port; launching a five-year demonstration project for Arctic marine biodiversity observing; and, hosting an international workshop on community-based ecological monitoring. Each of these select federal initiatives is consistent with current U.S. national Arctic strategies and implementation plans published since 2013.

A distinctly American event, nonetheless the GLACIER conference brought global attention to the Arctic. The visit of President Obama to Alaska and the Arctic reaffirmed America's commitment to the region and brought his climate change message to the very place where change is most rapid and is directly impacting people.

For most Americans, as well as perhaps many around the globe, his speech and visit provided unprecedented attention to the Arctic by an American President.

Commentary

The U.S. Must Live Up to Commitments as Arctic Nation

Rep. Rick Larsen

Interest in the Arctic is heating up around the world. As the region's ice melts and it becomes more accessible to shipping traffic, Arctic nations like Russia and Canada are continuing to invest in infrastructure and research. Countries without Arctic borders, including China and Japan, also are expressing their interest in the region. China, for example, is currently building its second icebreaker.

It is clear that other countries are moving forward in the High North. But the U.S. is not keeping pace. Even as the U.S. took over the chairmanship of the Arctic Council in April 2015, we do not have the infrastructure that is necessary to live up to our responsibilities as an Arctic nation. President Obama's GLACIER conference in August 2015 is a sign that attention to the Arctic is growing, but that attention must come with investment to be effective.

I am hopeful that during the U.S. chairmanship of the Council we will make progress on the strong priorities the U.S. State Department has defined. These include protecting the unique Arctic environment and the people and animals who live there, as well as improving our emergency response ability when ships get into trouble.

But the U.S. faces a steep opportunity curve when it comes to the Arctic, and we need to do more to fulfill our commitments. While most of my colleagues in Congress recognize that the U.S. has responsibilities as an Atlantic and Pacific nation, not everyone recognizes that we are also an Arctic

Congressman Rick Larsen represents Washington state's Second District. He is a senior member of the House Transportation and Infrastructure Committee and the House Armed Services Committee.

nation. That needs to change. Before policymakers can make informed decisions about Arctic investments, they need to know why this area is so critical.

That is why I worked with Congressman Young from Alaska to start the Congressional Arctic Working Group. The Working Group seeks to help members of Congress better understand the opportunities and challenges for the U.S. as an Arctic nation, and it acts as a resource for other Arctic countries to interact with Congress.

Since its inception a year ago, the Working Group has raised awareness about the importance of the Arctic through events for Members and their staff to meet with Arctic officials from other Arctic nations, as well as a variety of stakeholders.

We held a discussion with Norway's State Secretary, heard from Canada's Senior Arctic Official about the recent Canadian Arctic Council chairmanship, and held a briefing with senior State Department officials to discuss the agenda for the U.S. chairmanship. The Working Group also hosted representatives of indigenous groups from Russia. Continuing international engagement with all the members of the Arctic Council is critical, and the Working Group is filling that role in Congress.

There are other steps the U.S. should take. Every Arctic nation except the U.S. has an ambassador-level position dedicated to Arctic affairs. The U.S. should join its peers by creating such a position, which is why I introduced a bill with Congressman Sensenbrenner to do just that. An Ambassador to the Arctic would help the U.S. better manage our many interests in the region, as well as signal our country's commitment to international cooperation on Arctic policy.

The U.S. also does not have the icebreaking capability to fulfill research and commercial missions in the uniquely icy seas. The U.S. Coast Guard has said it needs at least three each of heavy and medium duty icebreakers. But currently the U.S. only has one of each, and other countries have jumped far ahead of us on this front. Russia is currently building its 23rd government-owned icebreaker. Without this capacity, the U.S. will be unable to fulfill the environmental protection, research, search and rescue, and interdiction operations the Coast Guard must perform in the Arctic.

Just because the Arctic is at a high latitude does not mean the U.S. should ignore it. Other countries certainly are paying attention. I am hopeful the Congressional Arctic Working Group will continue to bring more attention to a part of the world we cannot afford to neglect.

Commentary

The Alaska Arctic Policy Commission, Legislative Arctic Committees, and Governor Walker's Arctic Policy Effort

Rep. Bob Herron

The Alaska Arctic Policy Commission (AAPC) was legislatively created in April 2012 and its first meeting was March 23, 2013. The AAPC was comprised of 26 Commissioners, including 10 Legislators and 16 subject matter experts from throughout the state; and co-chaired by Senator Lesil McGuire and Representative Bob Herron. The AAPC was tasked with creating an actionable Arctic policy for Alaska – to produce a policy for Alaska's Arctic that reflects the values of Alaskans and provides a suite of options to capitalize on the opportunities and safeguard against risks.

The AAPC emphasized public engagement, convening meetings in seven locations around the state over the course of two years and receiving testimony from local residents in each location. Alaskans from all walks of life positively influenced the AAPC's Final Report and Implementation Plan released January 30, 2015 (www.akarctic.com).

The AAPC, by statute, concluded its work after the release of the Final Report and Implementation Plan. Per the recommendation of the AAPC, during the 2015 Legislative Session, the House and Senate each created their own Arctic Committee. The House Economic Development, Tourism and

Representative Bob Herron has served in the Alaska Legislature since 2008. His current House District comprises 33 villages in the Yukon-Kuskokwim Delta. He recently served as Co-Chair of the Alaska Arctic Policy Commission, which delivered its final report in January, 2015 (www.akarctic.com). He also chairs the House Economic Development, Tourism, & Arctic Policy Committee. Representative Herron has sponsored and successfully passed 9 pieces of Arctic legislation – most recently HB 1, Alaska's Arctic Policy in 2015.

Arctic Policy Committee is chaired by Representative Bob Herron; the Senate Arctic Committee is co-chaired by Senators Lesil McGuire and Cathy Giessel. These committees have and will continue to meet both separately and jointly to further discuss and seek ways to execute the AAPC Implementation Plan.

The Implementation Plan includes 32 Strategic Recommendations organized into four Lines of Effort:

1. Promote Economic & Resource Development
2. Address the Response Capacity Gap
3. Support Healthy Communities
4. Strengthen Science & Research

Some examples of recommendations from each of these Four Lines of Effort:

- 1A - Facilitate the development of Arctic port systems in the Bering Strait region to support export, response and regional development.
- 1B - Strengthen or develop a mechanism for resource production-related revenue sharing to impacted communities.
- 2D - Facilitate and secure public and private investment in support of critical search and rescue, oil spill response and broader emergency response infrastructure
- 3B - Reduce power and heating costs in rural Alaskan Arctic communities.
- 3F - Enforce measures that protect and help further understanding of food security of Arctic peoples and communities.
- 4F - Invest in U.S. Arctic weather, water and ice forecasting systems.
- 4G - Update hydrocarbon and mineral resource estimates and mapping in the Alaskan Arctic.

The Implementation Plan has three target audiences and represents the playbook for Alaska Governor Bill Walker's Administration and the Legislature, through the work of its Arctic Committees, and the federal government to implement Alaska's Arctic Policy. In the Implementation Plan, each recommendation is assigned one or two departments or agencies as leads, and also includes suggestions for legislative actions to further the recommendation. As part of the Governor's efforts, nearly every Administrative Department is involved in Arctic policy implementation – the undertaking is led by Craig Fleener, Governor's Arctic Policy Adviser, and includes, among others, Commissioners from the Departments of Commerce, Community & Economic Development; Transportation & Public Facilities; and Environmental Conservation; as well as Mike Sfraga, Vice Chancellor from the University of Alaska, Fairbanks.

In addition, in late 2014 a team appointed by incoming Governor Walker authored, and is still committed to implementing, an Arctic Policy and Climate Change Transition Report: http://gov.alaska.gov/Walker_media/transition_page/arctic-policy-and-climate-change_final.pdf.

Alaska's Arctic Policy now in statute

During the Fall of 2014, the AAPC collectively produced a draft Alaska Arctic Policy bill for consideration by the Legislature. The Legislature subsequently passed HB 1. After being heard and altered in several committees, the policy differs from the AAPC draft, but is substantively similar. The bill took effect August 9, 2015 and is codified in Alaska Statute 44.99.105. The policy consists of four pillars:

- Uphold the state's commitment to economically vibrant communities sustained by development activities consistent with the state's responsibility for a healthy environment;
- Collaborate with all levels of government, tribes, industry, and nongovernmental organizations to achieve transparent and inclusive Arctic decision-making;
- Enhance the security of the Arctic region of the state and, thereby, the security of the entire state; and
- Value and strengthen the resilience of communities and respect and integrate the culture, language, and knowledge of Arctic peoples.

This law, now officially Alaska's Arctic Policy, is intended as an overarching guide for the AAPC's Implementation Plan.

Commentary

Place Holding but Noteworthy:

Canada & the Arctic Council

Andrea Charron

In 1996, Canada was the first of eight Member States to chair a newly-founded Arctic Council. From May 2013 to April 2015, Canada again resumed the chair (headed by the Honourable Leona Aglukkaq, Canada's Minister for the Arctic Council) and set "development for the people of the North" as the overall theme of its two years. To achieve this goal, Canada called for responsible Arctic resource development, safe Arctic shipping and sustainable circumpolar communities with subthemes under each of these three goals.[1] Unique to Canada was the call to create an Arctic Economic Council (AEC)[2] – a subgoal of responsible resource development. On the one hand, the focus Canada had directed on the people of the North is laudable and perfectly in keeping with the mandate of the Council. On the other hand, the creation of the AEC has been divisive. How should we evaluate this agenda? Did Canada's Chairmanship break new ground or was it just caretaking?

The Arctic Council cannot be expected to make grand pronouncements or oversee the creation of new international agreements[3] every year; it is voluntarily funded and has only recently benefited from the creation of a permanent secretariat. Canada's agenda promoted the continuation of many projects initiated under previous Chairs and oversaw the unanimous decision to not accept new Observers for a constellation of reasons including the ratio of Arctic states and Permanent Participants (the decision makers) to Observers which is 14:32 or 1 to 2.

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From an administrative point of view, Canada's enthusiasm for the Arctic Council was uneven. The final meeting of its Chairmanship held in Iqaluit April 24-25, 2015 was prepared months in advance although some final details were last minute. As well, Canada has been reluctant to acknowledge Observer states' concerns about the diverse costs of engaging with the Arctic Council without the benefit of influence over decisions.

Canada achieved its goal to create an Arctic Economic Council (which met in Ottawa for its 2nd meeting on 23 April 2015) despite uneven support by some members of the Council. The AEC comprises business representatives (to date, 42 members in total) solely from the eight Arctic states and six indigenous Permanent Participant organizations of the AC. The AEC selected a US chair (from the Inuit Circumpolar Council) and two vice chairs from Russia and Finland to guide its work. Big businesses, like the Baffinland Iron Mines Limited and PAO Sovcomflot (SCF Group), Russia's largest shipping company, are likely to dominate the membership. The AEC's businesses, which include a mix of very small and giant companies, and the lack of participation by Observer state companies, are glaring flaws. The "success" of the AEC will likely depend a great deal on commodity prices given the involvement of big resource-driven business with international focus and is unlikely to benefit local, traditional/subsistence businesses that are important to the economic sustainability and cultural well-being of Arctic hamlets.[4]

Meanwhile, the Working Groups of the Arctic Council continued to do some very important work indeed. The SAO's Report to Ministers (24 April 2015) outlines their progress.[5] Projects over the course of Canada's term included a Circumpolar Mental Wellness Symposium (thanks to Canada's particular push for this event) and a review of cancer among indigenous peoples. A framework plan for Cooperation on the Prevention of Oil Pollution from Petroleum and Maritime Activities in the Marine Areas of the Arctic, a framework for Action on Enhanced Black Carbon and Methane Emissions Reductions, and an Arctic Marine Strategic Plan for 2015-2025 were all approved in April. The Council also established two new task forces: the Task Force on Arctic Marine Cooperation, and the Task Force on Telecommunications Infrastructure in the Arctic.[6]

Volunteer funding from member and Observer states, however, makes planning of these multi-year projects a challenge. That the Working Groups are still functioning, especially given background geopolitical tensions involving Russia, Eastern Europe and five NATO Arctic Council member states, is probably the greatest of Canada's achievements despite sometimes contradictory political rhetoric on the part of Canada. Likely a full evaluation of Canada's Chairmanship will only be possible in comparison to the US term focused on "One Arctic" which, as currently outlined, tackles the very important but difficult issue of climate change, at least under the current US administration. That a four-year North American agenda was not coordinated similar to the six-year Scandinavian terms to benefit from longer-term planning is lamented. That the Arctic Council continues to promote cooperation (reaffirmed in the Iqaluit Declaration 2015)[7] and has weathered recent, jarring geopolitical tensions means that Canada's modest, place holding Chairmanship is noteworthy.

Notes

1. See http://www.arctic-council.org/index.php/en/document-archive/category/425-main-documents-from-kiruna-ministerial-meeting?download=1763:canadian-chairmanship-program-2013-2015-english.
2. See http://arcticeconomiccouncil.com/.
3. See Arctic Council. 'Agreements.' Available at: http://www.arctic-council.org/index.php/en/environment-and-people/agreements-statements/agreements.
4. *Arctic Human Development Report: Regional Processes and Global.* (2015). Joan Nymand Larsen and Gail Fondahl (Eds.). Copenhagen: Nordisk Ministerråd. pp. 155 and 164.
5. Available on the Arctic Council's website. See http://www.arctic-council.org/index.php/en/document-archive/category/604-declaration-sao-report.
6. See "Review of Cancer among Circumpolar Indigenous Peoples" at https://oaarchive.arctic-council.org/handle/11374/434; "Framework Plan for Cooperation on Prevention of Oil Polluting…." at https://oaarchive.arctic-council.org/handle/11374/609; "Enhanced Black Carbon and Methane Emissions Reductions..." at https://oaarchive.arctic-council.org/handle/11374/610.
7. See "Iqaluit Declaration 2015" at http://hdl.handle.net/11374/662.

Commentary

Yukon as a Regional & Circumpolar Actor

Hon. Currie Dixon

As the Arctic and its variety of governance institutions and intergovernmental forums have gained significant international attention, sub-national governments in the circumpolar north have begun to play an increasingly important role on the international stage. While high level foreign policy and international relations continue to be in the realm of national governments, sub-nationals like provinces, territories, states, autonomous regions, First Nations and Aboriginal governments are participating and interacting in many new ways. While this involvement is a welcome step forward, enhanced roles for sub-national governments should come with some greater scrutiny and analysis of their respective positions and policies. Such a review will elucidate why and how sub-national governments conduct themselves outside of their own borders and may reveal observations not only about how these governments are viewed by others, but how they view themselves.

As an initial contribution to this end, the Yukon provides interesting subject matter. I would argue that the Yukon adopts and assumes multiple identities as it conducts its business outside of its territorial borders. It would seem that there are four such identities, which are defined by the Yukon's geography, economy, population, and political institutions.

First and foremost, Yukon is quite clearly an Arctic territory. It participates actively in intergovernmental Arctic forums like the Arctic Council and the Northern Forum. During Canada's chairmanship of the Arctic Council (2013-2015), Yukon led Canadian efforts on Arctic Council Working Groups, typically focusing on issues related to climate change research and adaptation.

Currie Dixon is a Member of the Yukon Legislative Assembly, and is Minister of Community Services and Minister Responsible for the Public Service Commission.

Notably, Yukon spearheaded the development of the Arctic Adaptation Exchange information portal. On the international stage, Yukon has a decidedly Arctic identity.

Secondly, regarding the structure of the economy, Yukon seems very much pacific-northwestern. Its economic reliance on natural resource development and tourism focuses Yukon's interest on border and trade issues, labour mobility, and access to resource-hungry Asian markets. For these reasons Yukon is an active participant in the Pacific NorthWest Economic Region (PNWER). Like its PNWER colleagues Yukon tends to cast its economic gaze to the Pacific.

Third, Yukon's relatively small population significantly influences its role in Canadian confederation. On many intra-Canadian matters Yukon has much in common with other members of confederation with small populations. At Federal-Provincial-Territorial meetings on subjects like internal trade, regional economic development, or capital markets regulation, Yukon often aligns its policy positions with the Atlantic Provinces who share similar challenges. So in this sense, Yukon's identity within Canada is defined to a degree by its small population.

Finally, Yukon's most obvious identity is as a northern Canadian territory. As a result of devolution the Yukon functions as a province in all but name, but its federal funding and unique constitutional status set it apart. It is a leader in Aboriginal-State relations with First Nations land claims and self-government having altered the foundation of its political architecture. These realities influence how Yukon interacts with its regional neighbours, particularly on issues of trans-boundary renewable resource management. While it is exceedingly obvious, Yukon's identity as a territory has an undeniable role in how Yukon conducts itself outside of its borders.

Like all sub-national governments in the circumpolar north the Yukon is dynamic and multifaceted. Its geography, economy, population and political institutions all influence how it is perceived by others, and how it perceives itself. Recognizing and understanding these identities help explain its policies and positions, and how and why it conducts itself on the international, national, and regional stage. This is particularly important given the increasing role of sub-national governments in the Arctic and circumpolar north. As the relevance of sub-national governments like Yukon ascend, so too should the scrutiny, analysis and understanding of what makes them tick.

Commentary

Greenland's Election 2014: A Return to Pragmatism

Page Wilson

Following the resignations of Greenlandic Prime Minister Aleqa Hammond and four other ministers due to allegations of misuse of public funds, an extraordinary election was held on 28 November 2014. Under the new leadership of Kim Kielsen, Hammond's own social-democratic party, Siumut ('Forward') won the highest proportion of votes (34.6%), narrowly beating the nationalist/left-socialist party Inuit Ataqatigiit ('Community of the People') by a 1.1% margin. Both parties won eleven seats in Parliament. In order to secure the minimum of 16 seats needed to hold power in Parliament, Siumut has subsequently entered into coalition with two of Greenland's smaller parties – social-liberal Demokraatit ('Democrat') and conservative Atassut ('Solidarity'). Both share Siumut's stance in favour of economic liberalism.

From this outcome, it is possible to draw some lessons about the Greenlandic political landscape which are often overlooked by international commentators and audiences alike.

First, the Siumut party remains the long-standing, powerful, and dominant force in Greenlandic politics, regardless of how any individual leader, member, or group of members allegedly (mis)conducts themselves from time to time. While support for Siumut did suffer in the wake of the allegations against Hammond, in the end the party still managed to maintain its edge over its rivals, and, with it, the right to form government. This result is more than simply good luck on Siumut's part; at every single election since 1979 bar one, it has been Siumut which has formed government. This

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long, consistent experience of campaigning, governing and manoeuvring places Siumut in a highly advantageous position, within a political system where other parties split, reform, are born, or die on a quite frequent basis. Even in coalition, Siumut's large size has ensured it has exercised – and continues to exercise – a pre-eminent influence over the direction and shape of the Greenlandic political scene.

The way in which Siumut achieved its electoral victory highlights a second lesson – namely, the importance of matching the personality, character and background of the leader with the mood of the electorate. This is particularly so in countries of small population size, where the social, personal and family links between ruler and ruled are so entwined. It is no accident that, in the aftermath of Hammond's expenses scandal, a well-regarded, former policeman with a reputation for integrity, honesty and down-to-earth pragmatism was appointed Siumut's acting leader. Kielsen's more modest style stands in stark contrast to Hammond's, with the controversial topics of Greenlandic independence and natural resource exploitation as the leitmotif of her premiership. While we can expect Kielsen's government to remain interested in future drilling and mining opportunities, it is likely that this interest will be counterbalanced by a renewed emphasis on boosting profits from existing industries firmly grounded in Greenland's economic present. Such emphasis is likely to include expanding value-added activities in Greenland's all-important fishing industry, and improving the infrastructure needed to in support of the growing tourism sector. Initiatives addressing other, everyday social issues of concern throughout the electorate – such as housing, education and unemployment – are also likely.

The final lesson to keep in mind is that, like other electorates of small population size, Greenland cannot afford to dispose of its political leaders too quickly, or without serious cause. Since the expenses scandal broke, the funds Hammond allegedly spent on personal costs have been repaid. In June 2015, Hammond was elected to one of two seats in the Danish Parliament reserved for Greenlandic representatives; she received the most personal votes of any of the candidates. At least one political consultancy firm is not willing to rule out a return by Hammond to Greenlandic politics sometime in the future.[1] It may be that if Kielsen succeeds in delivering financial gains in the short-term from Greenland's already-established economic sectors, there might be a real opportunity later on to pursue Hammond's grand visions of the future. For now, however, Greenland remains a country under construction'.[2]

Notes

1. See Polarisk Group, 'Greenland: 2014 Parliamentary Election Briefing #1' (October 20, 2014), http://static1.squarespace.com/static/5389998be4b047723f046137/t/544637bce4b076f26051ce1c/1413887932673/POLARISK+Greenland+2014+Election+Brief+%231.pdf.
2. The quote is from Kim Kielsen. See Noah Molgaard, 'Greenland Election: Eyes on the Possibilities' *The Arctic Journal* (November 25, 2014). http://arcticjournal.com/politics/1163/eyes-possibilities.

Commentary

Future Greenland 2015:

Tourism as the Future of Greenland?

Lill Rastad Bjørst

Every second year the Greenlandic Business Association hosts a two-day conference entitled "Future Greenland" in Nuuk.[1] The main theme of this year's conference was "Growth and Welfare – Scenarios for the Development of Greenland." The conference had more than 400 participants – mostly from Denmark and Greenland – but the format of the conference seems to be opening up for international business partners. This year's conference facilitated a dialogue in Greenlandic, Danish and English. Next year even more interpreters will be needed. To strengthen the outreach, the conference was broadcasted live via KNR (Kalaallit Nunaata Radioa – Greenlandic Broad-casting Corporation) to the rest of Greenland which made the confer-ence even more impor-tant as a platform for dialogue on the future of Greenland.

One of the important themes of the conference was the severe economic situation of Greenland and an evaluation of the absence of the promised "mineral adventure."

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According to the Greenlandic geologist Ole Christiansen, former Managing Director of NunaMinerals, Greenland is still not a competitive mining country and missed its chance when the prices on minerals were good a few years ago. A representative from the Danish business community, Managing Director for PensionDanmark Torben Möger Pedersen, characterized the upcoming mineral sector in Greenland as a risky investment and was advocating for minimizing what he called "political risk." Managing Director from the confederation of Danish Industry Karsten Dybvad likewise identified Greenland's structural problems as critical and compared the economic situation that Greenland is faced at the moment, to the one Denmark experienced in the 1980's. What the Danish keynote speakers asked for was that the Greenlandic Parliament would facilitate a more stable investment climate and go for the longtime planning, so investors knew what to expect. Dybvad said "All over the world we have to ask ourselves – what are we going to live from in the future?" This is now the current problem for Greenland.

Photo Credit: Lill Rastad Bjørst

Tourism in the Arctic: a low hanging fruit?

As a solution to the "problem", investment in existing industries was mentioned in most of the talks (like fishing, tourism and entrepreneurship). Experiences from Iceland with mass tourism was presented and while the politicians in Greenland right now believe in development in the tourism sector as the "low hanging fruit" the industry identifies a lot of challenges. The director of the Icelandic Tourism Research Center, Edward Huijbens recommended a more conservative approach to tourism development. For tourism development to be to the benefit of Greenland, he said that it needs to be driven by the interest of the local industry. Managing Director of Visit Greenland, Anders Steenbakken chaired a workshop with the title "While we are waiting for the investments" centered on how tourism could develop in the long run. He mentioned that Greenland of course needed a better infrastructure and basic knowledge of "tourist reasons to go" was the key to development in the Greenlandic tourism sector. The workshop was aiming at encouraging the Greenlandic business community to think of new innovative ways to support the tourism sector and via entrepreneurship to develop new products and platforms for corporation.

The minister for Industry, Labour and Trade, Vittus Qujaukitsoq (Siumut) has recently developed a plan to simulate the tourism sector in Greenland. The themes are: 1. Infrastructure, 2. Tax structure, 3. Framework conditions and 4. Tourism concessions. "It has to be easy and not too expensive to travel around the country", he said to the business magazine Aurora before the conference (Holmsgaard 2015: 18). To solely stage tourism as the savior and fixer of the economy is problematic because future tourism development is challenged by a number of factors in Greenland. In 2014, a report produced by the large Nordic consultancy firm of Rambøll identified the most important factors as being a short tourism season, a lack of infrastructure, the current limited capacity, the low standards of customer service, low growth rate, a lack of package tours, the low average of overnight stays (only four in average) the low spending per tourist (1.100 kroner per day), the low priority and lack of concrete initiatives by the Government of Greenland, the lack of online information about the destination and the difficulties with internal and external coordination in the Greenlandic tourism

sector (Rambøll 2014: 40-52). The report was meant to inform an ongoing debate on how many mines and mega industrial projects Greenland should tolerate in the future. Tourism in this context was turned into a strategic tool to achieve a more sustainable future for Greenland with permanent local jobs and development (Rambøll 2014: 5-7). In other words, despite challenges in the management, infrastructure and legal framework in tourism (National Turismestrategi 2013), investments in the tourism sector was framed in this logic as opposed to investments in mining (Bjørst & Ren 2015). The Greenlandic politicians seem to be most keen on improving the infrastructure, and tourism is used as the key driver for arguments about new runways and ports but an investment in tourism is needed and has been needed for many years, especially in the south of Greenland.

Following the debate at the former and this year's Future Greenland Conference, it is a paradox, that arguing for a megaproject is imagined to be the only way of getting regional development. While planning for the big project everything else was a secondary priority. This might change now. At the Future Greenland 2015 Conference there was a feeling of anticlimax and disappointment after the prices of minerals and oil declined. Everybody is now looking for new possibilities in other sectors. A new Greenlandic tourism strategy is being developed at the moment and hopefully supported financially by all parties. Without resources, local capacity building, innovation and entrepreneurship, to reach out to mass tourism could be fixing one 'problem' with just another one. More rehearsal with "small scale" projects is needed.

With the preparation for the Arctic Winter Games 2016, all the important elements for innovation, logistic sand capacity building for the future of Greenland can be tried out as part of a tourism related real life event.

Notes

1. Read more about Future Greenland: http://www.futuregreenland.gl/.

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Commentary

The Arctic Council Permanent Participants:

Capacity & Support – Past, Present & Future

Jim Gamble

The six Indigenous organizations which are the Permanent Participants (PPs) of the Arctic Council (AC) are as varied as the people, geographic regions, and cultures they represent. What they do have in common however is the challenge of representing their constituencies and contributing to the work of an ever expanding AC which in many cases has grown faster than the PPs have been able to adapt.

Indigenous organizations have been involved in international work through entities like the United Nations since long before the AC existed, so given that this voice was present and the growing realization among industry, policy makers, and scientists that Indigenous knowledge could not only be useful, but in many cases was essential to understanding the Arctic. Not only this, but in many cases Indigenous peoples were actually land owners and rights holders in the Arctic, and so consultation, negotiation, and agreement with the people who lived on the land was often a matter of law.

So, in the earliest seed of the AC, the Rovaniemi Process, the notion that the Indigenous peoples of the Arctic should have a seat at the table was present. When the Rovaniemi Process was formalized into an agreement among the eight Arctic states to form the Arctic Environmental Protection Strategy (AEPS) three organizations were established as observers when the following was stated:

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> *In order to facilitate the participation of Arctic indigenous peoples the following organizations will be invited as observers: the Inuit Circumpolar Conference, the Nordic Saami Council and the U.S.S.R. Association of Small Peoples of the North.*

During this period it was recognized that the Indigenous organizations taking part in the AEPS would benefit from the support of a secretarial body, and so in 1994 the Indigenous Peoples Secretariat (IPS) was created to assist the Indigenous observer organizations in their work in the AEPS, primarily through communications and coordination. Two years later when the AEPS was enlarged and mandated with additional responsibilities it became the Arctic Council. At that time the role of Indigenous peoples organizations was also expanded when the category of Permanent Participant (PP) was created. The PPs were endowed with full consultative powers and a seat in all AC matters, only lacking an actual vote from putting them on exactly equal footing with the Arctic states. However, this notion that the PPs have a seat, but not a vote is too simplistic. In reality, in an organization like the AC that operates on the principle of consensus, only a no vote that breaks consensus matters. So that means that while the PPs can't break consensus and keep an initiative from moving forward, in my experience there has never been an occasion when one or more of the PPs had serious reservations that weren't addressed by an effort to reach consensus that included the PPs. The implications of this are plain, it's essential that the PPs not only have the resources to be present during discussions of matters that affect them, but that those resources support the participation of those with the proper knowledge and expertise.

With the recognition of the Arctic member states that participation of Arctic Indigenous peoples is so vital to the work of the AC the question of how to properly support this participation emerges, and clearly this has been on the mind of the AC since its very inception when it was stated in the first Iqaluit Declaration:

> *Request Arctic States to consider the financial questions involved in securing the participation of the Permanent Participants in the work of the Arctic Council and in the operations of the Indigenous Peoples' Secretariat.*

And every declaration since has mentioned support of the PPs. So when the Kiruna Declaration which signaled the end of the Swedish Chairmanship stated, "…identifying approaches to support the active participation of Permanent Participants, and to present a report on their work at the next Ministerial meeting in 2015," the ministers mandate resulted in very positive steps to seriously work on PP capacity and support which occurred during the Canadian Chairmanship which followed.

It should be noted that PP capacity and support is a complicated issue for a number of reasons; the six PP organizations are all very different in size, structure, and how they are funded; in addition, the PPs have differing relationships with the Arctic states in which their memberships reside and so, for instance, the relationship that Aleut International Association has with the United States is different than what the Saami Council experiences with the Norwegian government in terms of support. This doesn't change the fact that all of the PPs do have similar challenges in trying to contribute to the work of the AC, and to serve their constituencies in that regard and so work to address these common elements can be beneficial to all of the PP's. Also, the question of PP support has received attention from the AC at various times including a comprehensive report undertaken during the Icelandic

Chairmanship that recommended, among other actions, the establishment of a PP support fund to be funded by the Arctic states and a recommended operating balance of $1,000,000 USD.

Later, during the Swedish Chairmanship, another report was funded by the Walter and Duncan Gordon Foundation, the Oak Foundation, and the MacArthur Foundation which had two main recommendations: to establish a task force during the Canadian Chairmanship to propose practical measures to address the challenges over the long term, including revisiting the idea of a PP core fund; and for the Arctic states to make short term commitments to support the PPs in all of the activities of the AC during the Canadian and U.S. chairmanships.

The work which took place during the Canadian Chairmanship began with another study funded by the Government of Canada which stopped short of making firm recommendations, but again examined the concept of a PP core fund as well as potential support from AC observers. Following the release of the report a one day workshop was held in conjunction with the first SAO meeting October of 2014 in Yellowknife, NWT. The well attended workshop resulted in a decision to establish a small committee to examine and make recommendations on four areas of focus; 1) Observer funding of PP working group projects and an examination of potential exceptions to the "50% funding rule," 2) To consider PP participation at the beginning of AC projects, 3) Enhancing capacity through and examination of business efficiencies in the AC; and 4) Explore additional AC Secretariat resources to support the PPs.

Concurrent with the efforts of the Canadian Chairmanship the idea of a PP core fund was again brought up by an Observer organization, the World Wide Fund for Nature (WWF), which not only suggested establishing such a fund that would be administered by the six PP organizations through the IPS, but also committed to contributing to such a fund to improve PP capacity.

Subsequently a three day PP support and capacity "summit" was held in March 2015, in Whitehorse, Yukon. The workshop, which was also funded by the Government of Canada, brought representatives from all six of the PP organizations together with the idea of examining how a PP core fund would actually work in practice. Also attending were representatives from the Government of Canada and the IPS (which organized the workshop). In addition, presentations from potential funders were made by the Gordon Foundation, Tides Canada (also representing the Arctic Funders Group), and NEFCO on the ACs Project Support Instrument (PSI). The meeting was very productive and resulted in the conclusion that two types of support funds were actually needed: 1) A core fund designed to contribute to PP administrative expenses, and designed to allow a contributor to generally support the work of all of the PPs with in a simple and transparent way, and 2) A project support fund which would allow contributors to donate funds to specific areas of interest (for example, Arctic marine issues), or to PP organizations located in certain geographic areas. The concept was that the core fund would be distributed to each PP organization equally, but that PPs would apply for project support funds and that funding decisions would be made by a governing body, potentially the IPS Board. The meeting also produced a PP Agreement in Principle on the founding of the funds, draft language regarding the meeting outcomes for the Iqaluit Declaration, and a work plan for moving forward.

At the 9th AC Ministerial meeting (again in Iqaluit) in April 2015 the following language was included in the Ministerial Declaration:

> *Acknowledge that the work of the Arctic Council continues to evolve to respond to new opportunities and challenges in the Arctic, reaffirm existing mechanisms and commit to identifying new approaches to support the active participation of Permanent Participants, and welcome the work done by Permanent Participants to establish a funding mechanism to strengthen their capacity*.

During the Ministerial meeting the PPs also held a side event with AC observers to outline the plan for the two PP support funds in addition to a discussion of the role that Observers might play in the support of the PP organizations. Given that the criteria for Observer status in the AC calls for a political willingness and financial capacity to support the work of the PPs in the AC, it seems clear that part of the solution to PP support and capacity may fall with the Observers.

As the AC moves on to the U.S. Chairmanship, the work on PP capacity and support continues. WWF has again expressed its willingness to not only contribute to a PP core fund, but also to support the work needed to establish such a fund legally, and so an RFP to experts in this area has been produced, and at the time of the writing of this article is about to be distributed. In addition, at least one other Observer has made a verbal commitment to contribute to the fund once established, so it seems like there is at least a possibility that the fund could become a reality and assist in improving PP capacity. It also seems clear that the Arctic member states of the AC are unlikely to support the PPs through such a funding mechanism, instead preferring to continue the direct relationship with their constituent PPs that has existed since earliest days of the AC.

Commentary

The Arctic Coast Guard Forum:

A Welcome & Important Step

Rebecca Pincus

In October 2015, the eight Arctic states will send their heads of coast guard or equivalent official delegation to the US Coast Guard Academy in New London, Connecticut, where the Commandant of the Coast Guard will host a ceremonial summit and the Arctic Coast Guard Forum (ACGF) will be formally launched. A terms of reference document that outlines the basic framework of the ACGF will be finalized at the summit signatory meeting, and this will serve as the foundation for a Memorandum of Cooperation (MOC). The MOC will become the non-binding document that establishes the ACGF as an international body with rules and organizational responsibilities.

This moment will mark the advancement of a commitment on the part of all Arctic states to cooperate at the operational level in the maritime Arctic. The operational level is where the rubber meets the road: where missions are executed afloat and in port, where helicopters are scrambled, inspections carried out, and incident response units deployed. While high-level diplomacy gets more attention, the kind of inter-service relationship-building at the operational level promised by the ACGF can lead to immediate benefits to Arctic communities and stakeholders.

The ACGF is a welcome step. At a time when the region is facing unprecedented challenges, including warming that is occurring at a rapid pace, the establishment of the ACGF is a concrete sign that Arctic nations are committed to cooperation in the North, despite other differences. Recognizing that increasing access to the Arctic Ocean will increase the demands placed upon Arctic states for the

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scarce operational resources available in this remote region to respond to missions such as search and rescue, as well as enforcement of regulations pertaining to environmental protection, fishing, and vessel safety, the ACGF will provide a forum where Arctic states can build cooperation and leverage available resources to maximize operational effectiveness. The ACGF will build on existing Atlantic and North Pacific Coast Guard Forums, and will be operationally focused and consensus based. While independent of the Arctic Council, the ACGF will be complimentary to AC efforts.

Through building relationships at the operational level, as well as sharing best practices and lessons learned, Arctic coast guards can improve their individual mission fulfillment as well as refine cooperative responses to incidents that require a multi-lateral response. The ACGF offers practical benefits to all Arctic nations, especially those with large search and rescue territories as defined in the 2011 Arctic Search and Rescue treaty.

The ACGF is not only welcome, but important. The extreme conditions and distances present in the Arctic maritime region, particularly across North America and Russian coasts, pose significant challenges to efficient execution of coast guard missions. Several recent incidents of note demonstrate that the dangers of the Arctic region argue forcefully for coordinated international response capacities. For example, the extended transit of a Canadian barge, which drifted over 1,300 miles from Canadian waters, through US waters, before reaching Russian waters where it was finally retrieved,[1] demonstrates not only the challenges present in the region, but also the critical importance of building strong working relationships between all Arctic coast guard agencies at the operational level. Another example, the sinking of the South Korean fishing vessel, the Oryong 501, which sank in heavy seas in December 2014, triggered an international response including US and Russian parties along with South Korean vessels.[2] While the Oryong 501 sank in the Russian SAR zone, the proximity and capability of US Coast Guard assets led to a response including USCG assets, working with Russian and South Korean authorities.

The examples above should make clear that grave incidents occur in the Arctic, and as maritime traffic increases and weather patterns become (even) less predictable as the climate continues to destabilize, their frequency is likely to increase. With this in mind, the establishment of the ACGF can be applauded as a concrete step that will bring the Arctic states together to respond collaboratively to a challenge that involves them all. The establishment of the ACGF will further advance the interests of all Arctic states in ensuring safe and sustainable vessel traffic in the Arctic region.

Notes

1. For more information about the barge, please see a series of articles in the Alaska Daily News. Most recently, http://www.adn.com/article/20150316/supply-barge-adrift-arctic-months.
2. For more information, see for example KTUU coverage at http://www.ktuu.com/news/news/us-coast-guard-hands-off-massive-bering-sea-search-to-south-korea/30242314.

Commentary

Getting Arctic Shipping Back on Course

Clive Tesar, Rod Downie & Simon Walmsley

In Iqaluit earlier this year, a clutch of ministers from Arctic states welcomed progress made on the International Code for Ships Operating in Polar Waters (the 'Polar Code'), an International Maritime Organization (IMO) instrument to regulate shipping in Arctic and Antarctic waters. The ministers noted that the progress followed "extensive engagement by the Arctic States." The ministers were right to welcome the progress made. The Polar Code, expected to be implemented in 2017, will for the first time introduce mandatory, polar-specific requirements for cargo vessels over 500GT and passenger vessels operating in polar waters. It is anticipated that it will lead to improved safety in Arctic shipping, with provisions on such things as training for senior officers, the requirement for a polar operations manual and polar operations certificate, and rules for different classes of ships according to their ability to operate in ice. As pointed out in a report commissioned by the Arctic Council's PAME working group, improved safety measures reduce oil pollution risks. What the ministers did not point out that day is that the Polar Code can still do so much more to reduce the risks of impacts from shipping and protect the Arctic marine environment.

A necessary next step for the Code is to extend it to smaller vessels, as so far it only applies to larger vessels. So-called SOLAS (named for the international convention on Safety of Life at Sea) vessels are ships larger than 500 gross tonnes, commercial and passenger ships. How many of the other sorts

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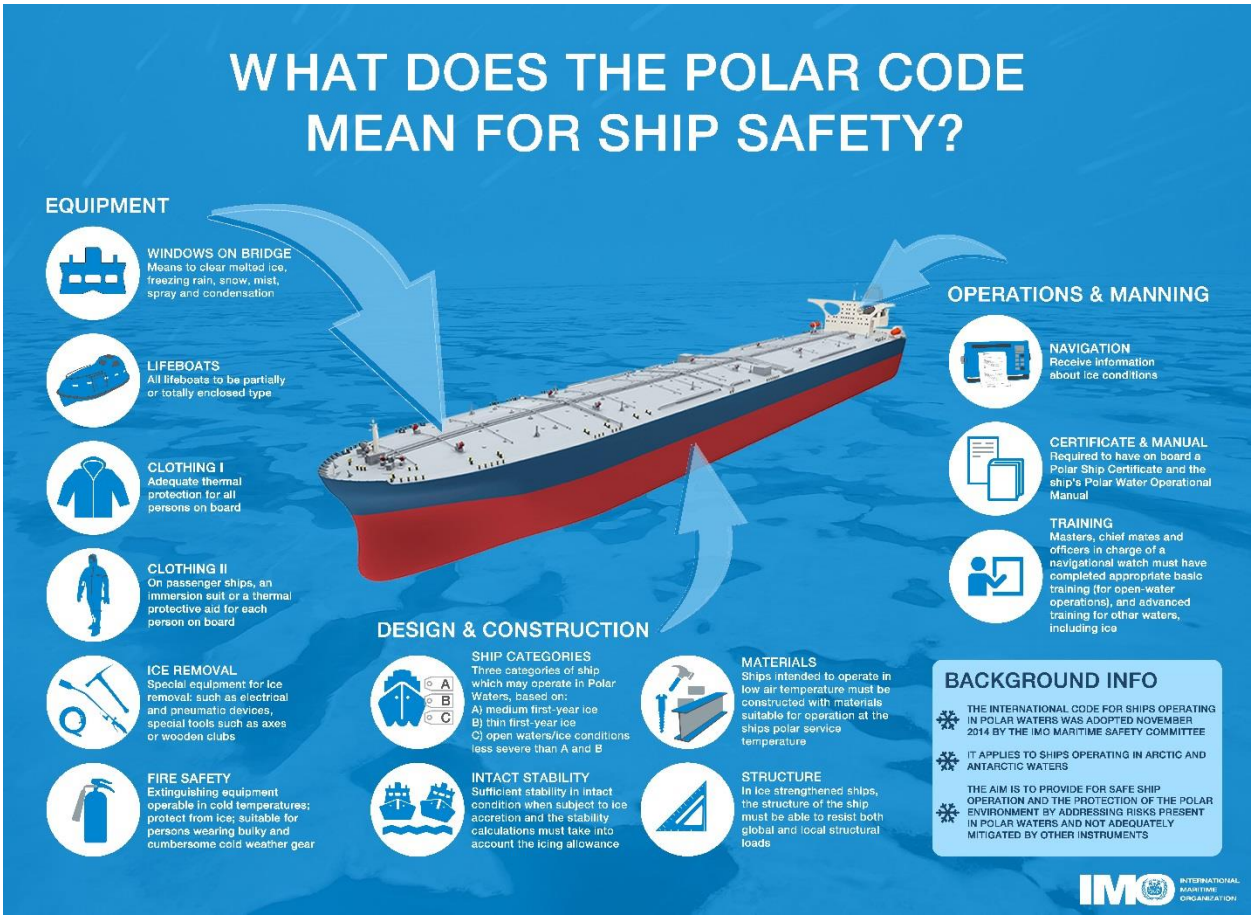
of ships currently operate in the Arctic, or their impact, is not well known. Several national delegations at IMO have asked for a paper giving information on the number of "non-SOLAS" ships operating in polar waters and reports of accidents and incidents, including those requiring search and rescue operations.



WWF, as part of a coalition of NGOs, believes there is still an opportunity to strengthen the Polar Code by addressing significant omissions including addressing non-ice strengthened vessels, smaller cargo and fishing vessels, and widening the scope of the environmental provisions. There are a number of omissions that affect the environmental impact from shipping in the north, including better oil and chemical spill preparedness and response, sewage and grey water discharge, and specific vessel routing measures. Here, we will focus on just three: heavy fuel oils; black carbon emissions; and the introduction of alien species through ballast and biofouling.

The use and carriage of Heavy Fuel Oil (HFO) presents one of the biggest risks to the Arctic marine environment. The Arctic Ocean Assessment identified the release of oil through spills or operational/illegal discharges as the most significant threat from ships in the Arctic. HFO is a very thick, viscous oil – what is left over when you've skimmed off the higher grade fuels. It accounts for three-quarters of the fuel used in Arctic shipping. The Arctic environment is particularly vulnerable to both operational and accidental spills of this kind of oil. It degrades slowly under Arctic conditions,

the evaporation and dispersion rates are low compared to lighter, refined fuels, it may emulsify once released into the marine environment, and it is impossible to clean up in ice covered conditions and with a lack of nearby response resources and infrastructure. It has a devastating effect on marine life, particularly as Arctic marine food webs are so simple. Due in part to lack of good quality hydrogeographic data, the chance of a catastrophic spill exists, and will be magnified with projected increased Arctic shipping. The effects of a spill of HFO in polar environments are rightly feared. The carriage and use (including for ballast) of this fuel has been banned in Antarctic waters south of 60 degrees south, and around parts of the Norwegian Arctic archipelago of Svalbard. But it continues to be used in the Arctic as a shipping fuel, and to be transported around the Arctic for other uses. Even at 2012 levels of Arctic shipping, a report prepared for the PAME working group estimated, "…a serious accident resulting in an oil spill could on average be expected once every 1.6 years."

Black carbon produced by Arctic shipping is an important issue. Local sources of soot are known to contribute to Arctic melting, and the more local the source, the more it contributes to the problem. Although shipping is currently thought to contribute only 5% of the black carbon load in the Arctic, that could increase to 20% by 2050 according to some projections of future shipping. The eight Arctic Council states are committed to working together on black carbon issues, having signed a framework agreement in Iqaluit, Nunavut, in early 2015 that says they will, "…adopt an ambitious, aspirational and quantitative collective goal on black carbon, and to consider additional goals, by the next Arctic Council Ministerial meeting in 2017."

Whether that collective goal will include promoting actions on limiting black carbon from shipping is not yet known. There is a real opportunity in this respect for the Arctic states to demonstrate leadership on this issue, thereby setting an example for shipping in Antarctic waters.

> "Black carbon, or soot, is a tiny, solid particle that absorbs solar radiation, thereby warming the atmosphere. It is co-emitted with and interacts in the atmosphere with various other pollutants, some of which cause cooling. Black carbon typically stays airborne for about a week. Because this time is so short, its concentrations are highest close to its sources. Nonetheless, black carbon in itself is a major contributor to current global warming, following carbon dioxide and methane. In addition to its effects on atmospheric warming, black carbon that is deposited on snow or ice can cause surface warming and melting by absorbing solar radiation to a much greater degree than pristine ice or snow. In the Arctic, this warming effect is particularly strong in spring when the snow is melting and longer days mean more sunlight."
>
> AMAP, 2015. Summary for Policy-makers: Arctic Climate Issues 2015. Arctic Monitoring and Assessment Programme (AMAP), Oslo, Norway. 16 pp, p. 4.

The third omission is the introduction of alien species to the Arctic, either in ballast water, or via biofouling, which both require fit for purpose polar operational measures to address translocations in such sensitive areas. As Arctic waters continue to warm, the numbers of alien species that can survive there will increase, including organisms such as the European green crab (nicknamed 'cockroach of the sea'), and the Japanese ghost shrimp. Shipping and in particular ballast water transfer is the single biggest vector of marine invasive species transfer. The Arctic marine environment is already stressed by climate change, acidification, and increasing industrial uses of the offshore Arctic. Introducing

invasive species further complicates survival for Arctic species and the whole food web built on the marine environment from tiny plankton to 100 tonne bowhead whales.

All of these omissions could still be considered in Step 2 of the Polar Code if the political will to do so exists. However, they will require backing by Parties to IMO. NGOs can take part in negotiations and make proposals, but need state support to take them further. Those Arctic Council states which are "port/coastal states" that is, the territories that would be most directly affected by shipping regulations, have an obvious interest in protecting their environments. Several other states influential at the IMO, such as China, Germany, India, Japan, Korea, the Netherlands, Singapore and the United Kingdom are also Arctic Council Observer states. In their applications to become members of the Council, and their subsequent justifications for their inclusion as Council observers, these states commonly stress their interests in preserving the Arctic environment. The Council itself is explicit in its expectations of Observers. One of the criteria for admission as an Observer is, "Have demonstrated a concrete interest and ability to support the work of the Arctic Council, including through partnerships with member states and Permanent Participants bringing Arctic concerns to global decision making bodies."

There are other options to addressing some of these issues. The first is unilateral regulation within the exclusive economic zones of Arctic states (out to 200 nautical miles). This is where most shipping in the Arctic takes place. For instance, Canada is considered to have stringent rules governing shipping in its Arctic waters. The Arctic Waters Pollution Prevention Act has a zero discharge pollution policy, the Arctic Ice Regime Shipping System categorizes vessels according to their ability to handle different ice conditions, and the Zone/Date System defines opening and closing dates for entry and exit into the Canadian Arctic for various classes of ships.

There are also international instruments other than the Polar Code that deal with some of the wider environmental issues tied to shipping. For example a ban on the use of HFO (or a phasing out) could be accomplished via an amendment to MARPOL Annex I, Chapter 9, Regulation 43 rather than tied to revision of the Polar Code.

Another suggested alternative is to establish Particularly Sensitive Sea Areas (PSSAs) in the Arctic. As noted in a recent report, establishment of these areas can provide rules to protect the most vulnerable or important places in the offshore Arctic. "PSSAs can provide additional protection through measures that may reduce the likelihood and consequences of accidents (acute pollution), in addition to measures that targets operational emissions and discharges." PSSA measures might also include restrictions on use/carriage of HFO.

However the regulation of the Arctic marine sector is accomplished, it should be implemented without delay, and the Polar Code is one instrument to accomplish that, as it is an already established umbrella process to address polar shipping issues.

We look to the Arctic states, together with the Arctic Council Observer states to plainly state their intention to bolster the code, and close the remaining governance gaps in Arctic shipping. We also recommend the regular review of the Code's provisions, considering the rapidly changing Arctic marine environment.

Commentary

The Arctic Human Development Report II:

A Contribution to Arctic Policy Shaping

Gail Fondahl & Joan Nymand Larsen

This past year saw the publication of the second Arctic Human Development Report, a decade after the first report was issued. If the first AHDR (2004) provided a baseline of human development, this second report enabled the beginning of temporal comparisons and contrasts across a decade of marked social, economic, cultural and environmental change in the North. Sub-titled "Regional Processes and Global Linkages," AHDR-II attends to the challenges that globalization, along with climate change, poses to the socio-economic stability and human security of the Arctic population. Synthesizing the extensive literature produced over the past decade, authors also identified key gaps in knowledge that still need to be tackled, as well as important success stories over the past decade.

AHDR-II was written with certain audiences in mind. Directed at a broad audience, it nevertheless addresses, in particular: post-secondary students in, and interested in, the North; northern residents; decision- and policy-makers whose work affects the North; and the Arctic Council's Sustainable Development Working Group (SWDG). Given the unanticipated interest and uptake by post-secondary institutions of the first AHDR as a teaching resource, this audience was very much at the forefront in the editors' minds during the production of AHDR-II. The report covers a wide range of topics, documenting their diverse manifestations across the Circumpolar North, is up-to-date, is rich

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in graphics and illustrative material, and is free to download, providing a valuable source for teaching and learning about the major trends in human development over the past decade in the North. In a more indirect, long-term sense, AHDR-II will hopefully play a role in shaping policy, as today's students become tomorrow's decision- and policy-makers. To develop policies and practices that will reduce vulnerabilities of northern residents in these times of rapid change and increased uncertainly, an understanding of trends in Arctic human development becomes a valuable tool.

In terms of directly addressing policy-makers, AHDR-II, like its predecessor, distills major findings and key policy-relevant conclusions, summarizes critical gaps in knowledge, and recommends priority activities that should be considered for follow-up work (AHDR-II 2014: 21-27; see also Larsen & Fondahl 2015). In doing so, the report provides a potential roadmap for the SDWG's consideration – a function the SDWG has recognized and anticipated. More broadly, in providing an assessment of key challenges to human development and identifying potential opportunities, the report will hopefully inform Arctic governance, both formal and informal, at all scales.

While informed decision-making and governance requires comprehensive and current information, of special note to the *Arctic Yearbook 2015* are the conclusions related specifically to the topic of 'governance' in the Arctic. ADHR-II attests that "recent institutional changes in the North have increased the local control and ownership of northern resources in some parts of the Arctic" and "an increasing trend of legitimate participation in Arctic decision-making and continued innovation in governance can be observed at all scales" (AHDR-II 2014: 23, 22). It notes, however, that increasing participation, and expanding demands for such, seriously stretch both human and fiscal resources, at all scales, perhaps especially among indigenous peoples. The report identifies the need to resolve such challenges. AHDR-II also identifies the need for improved knowledge on what institutions and institutional arrangements, formal and informal, will contribute to improving the human condition in the Arctic (25).

The report has been criticized for paying inadequate attention to the contested nature of governance processes and giving inadequate consideration of the role of non-state players such as energy companies in Arctic governance (Klick 2015). Certainly, such relations could be described and analyzed in greater detail, although the editors had to balance considerations of length against all-inclusive discussions.

The road to the AHDR-II's production was not without potholes. While the project was initially endorsed by the SDWG, the report did not receive its endorsement. During the SDWG review process, SDWG member states and Permanent Participants made numerous requests for changes to the text of various chapters (most notably the Legal Systems and Governance chapters), most to which the authors agreed. However, in a few cases, the requested changes in wording would have significantly altered the meaning in a way to which authors did not consent. This ultimately caused the SDWG members to fail to reach consensus on endorsing the report. A fundamental benefit resulting from this tension, however, was the identification of the need, at the outset of projects, for clearer understandings by all players regarding the level of academic freedom versus control over texts that a Working Group may exercise over reports, and what constitutes an internal versus external product.

If not formally endorsed at the Arctic Council Ministerial, the AHDR-II received mention in both the Senior Arctic Officials' Report to Ministers (AC SAO 2015: 37, 38) and in the Iqaluit Declaration itself (Arctic Council 2015: §19). A document offering key findings and suggestions for further research needs was prepared for the Ministerial and can be found on the SDWG's website (Larsen & Fondahl 2015). AHDR-II has been suggested as a key source for SDWG's Social, Economic and Cultural Expert Group, one mandate of which is to "undertake regular gap analyses to identify research priorities which will assist the SDWG in framing its human development research agenda" (SECEG Terms of Reference §III.c). Thus, AHDR-II is poised to inform the SDWG's priorities and workplan, and we anticipate that other Arctic policy-makers will find it both instructive and inspirational.

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Commentary

International Meeting of the AC Member States in September 2015 in Archangelsk

Lassi Heininen

The V [Fifth] International Meeting of Representatives of the States-Members of the Arctic Council, States-Observers and Foreign Scientific Community took place on September 15-16, 2015 in Archangelsk, Russia. The meeting was specially devoted to preparedness and safety in the Arctic, sustainable development and indigenous peoples. It consisted of two parts, the demonstration of rescue exercises by the EMERCOM Arctic Emergency Centre in Arkhangelsk, and the international conference "Ensuring Safety and Sustainable Development in the Arctic Region, Preservation the Ecosystems and Traditional Way of Life of the Indigenous Peoples in the North".

The high-level meeting was organized under the auspices of the Russian Federation Security Council in cooperation with the Northern (Arctic) Federal University, NArFU in Archangelsk. NArFU invited members of small international delegations from the Arctic states and the Arctic Council observer countries, as it did last year, when this annual meeting took place in Naryan-Nar, and the Varandei Oil Terminal in the Nenets Autonomous Okrug.

The demonstration of rescue exercises by Arkhangelsk's EMERCOM Arctic Emergency Centre took place on a sunny afternoon on the Dvina river just beside downtown Arkhangelsk. We had front row seats to follow the exercise, since we were on board of the 2N.V.Gogol" paddle steamship in the middle of the river. The situation and accident was simple but realistic: there was a fire on board of a tanker, and a few crew members of the tanker were dropped down to the sea, when they tried to put out the fire. Following from this, the mission of the exercise was two-fold: on the one hand, to put out the fire, which was done both by a helicopter and aircraft dropping water from the tanks on the

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fire, and a rescue-vessel spray water on; and on the other hand, to rescue the crew members from the sea, which was done by surface divers who were dropped onto the water from a helicopter. The mission was accomplished, the fire went down and the crew members were rescued. I am not an expert on the field – though I followed another rescue exercise last August (2014) at the Priratzlomnaya Oil Rig in the Pechora Sea - but I was impressed by how efficiently all parties acted and fulfilled their tasks (of course so often in a real situation the sun is not shining and the conditions can be very harsh).

The international conference (with a long official name) was divided into three sessions based on a theme, "Personal preparation and training for the Arctic development and global Arctic projects", "Strengthening of the international cooperation in the preservation of the ecosystems and environmental protection of the Arctic" and "Conservation of the traditional life-styles and maintenance of sustainable development of indigenous population of the Arctic territories". Each agenda item had a short film and an oral report as an introduction, and were followed by interventions from the participants. There were very many of these short (about 5 minutes) interventions in each session, and as so often, only little time for open discussion. Thus, the challenge was first, how to express all relevant matters within that short time frame; second, how to manage to get the audience's attention, when your presentation was at the end of a list of speakers; and finally, how to keep the interest and intensity going at the end of a long day.

Well, I don't know how accurate this evaluation is, but I have a feeling that the intensity was on until the end. And though some presentations were neither that interesting nor new, there were many interesting presentations (yes, there was a simultaneous interpretation from Russian to English, and from English to Russian, and the interpreters were professionals). Thus, there was much to be learned as a foreigner, and the other way round, the Russians learned many new things from us, foreigners. In a time of turbulence, as it is now in international politics, it is very useful to know what the others, including your potential rivals, are thinking, and let the others know, what you think. And furthermore, demonstrate that you are ready to listen and learn new ways to do things, and maybe even apply new methods and new kind of thinking.

My presentation was in the 2nd session devoted to international cooperation to preserve the Arctic ecosystem and strengthen cooperation. Unlike a few of my academic colleagues, I didn't use my short time, although it is important and timely, to introduce any new academic and educational project, or to try to convince others how joint efforts in research and higher education would benefit policy-making in the Arctic. I went straight to the point which I thought would interest most of the audience – policy-makers from regional and federal levels of Russia, and from many Arctic Council member and Observer countries: why it is so important to maintain the high stability of the Arctic region, and how it would be beneficial for the entire Arctic region and its peoples.

Indeed, how come have the prognoses of emerging conflicts in, or a 'scramble' for, the Arctic not, yet, been materialized? And why is this achieved, man-made Arctic stability so resilient? An answer lies in the fact that the stable and cooperative Arctic is so valuable for its states and peoples in the era of globalization. The post-Cold War period has been successful due to the shift from military confrontation into political stability and growing international cooperation – there are only winners.

This is seen for example, in how the Kingdom of Denmark and Russian Federation played, and play, according to the rules of UNCLOS, when they submitted their proposals on the Arctic Ocean's shelves to the Commission – the proposals compete, the states cooperate. This shows the power of immaterial values, such as peace, human capital and that of cumulative, 'soft' methods in politics and governance (which is seen for example, by the self-governing status of Greenland, Nordic devolution, policy-shaping by the Arctic Council, paradiplomacy, and implementation of the interplay between science and politics). These are among the ways that we have managed to maintain the received state of political stability and willingness to cooperate, much needed preconditions for sustaining Arctic research.

This goes a long way to demonstrating the social relevance of science, which is also called 'science diplomacy', i.e. that science is more than laboratories and theories, it is people, societies, the environment. This includes the interplay between science, politics and economics, and this has been implemented in the Arctic for some time now. The International Meeting of Representatives of the States-Members of the Arctic Council, States-Observers and Foreign Scientific Community is a good example of a platform, where it is both intended to happen, and it is happening. This clearly came out in several presentations and comments, though there was too little time for open discussion (this seems to be a universal 'bottleneck' for the sharing of thoughts and ideas), as well as in smaller social contacts during the two days.

A new Arctic security and political agenda is emerging due to the reflections of regional wars, the constant warfare against international terror, and flows of globalization, as well as due to 'Grand challenges' as main drivers, such as long-range pollution and climate change, and ethical questions concerning mass-scale utilization. Here the Arctic states and their state-owned enterprises will strongly influence future development by choosing either to prioritize business activities only, or adopt a more holistic approach by taking into consideration the commitments to environmental protection and wellbeing of the inhabitants, as the Arctic states promised almost 20 years ago, when the Arctic Council was established.

The answer cannot, however, be simply more mass-scale utilization by extractive industries, but also smaller and soft ways, as many Arctic actors have shown being able to be innovative and resilient. For that we need on the one hand, more and deeper interdisciplinary research, and on the other hand, keener cooperation between policy-makers from the Arctic states and the AC Observer states under the auspices of the Arctic Council. Now when the post-Cold War era has come to a close in the Arctic, and the region has become a part of global (political, economic, technological, environmental and societal) changes, this is not enough, I am afraid. Hence, it has become more demanding to maintain this stability and strengthen cooperation. We need more meetings, such as the 2015 Archangelsk meeting and the annual Arctic Circle Assembly in Reykjavik, where the interplay between science, politics and economics/business takes place.

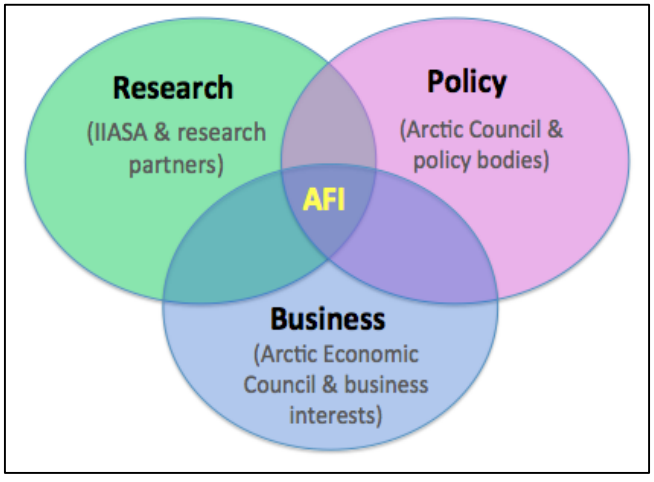
Commentary

Arctic Futures Initiative:

A Holistic Approach to Arctic Futures

Anni Reissell, Hannu Halinen, Peter Lemke & Charlie Vörösmarty

In the age of globalization, the Arctic interacts with the rest of the world, and vice versa, in a complex manner—societally, economically, technologically, and environmentally. The complexity of the dynamic global system poses significant societal, research, policy and governance challenges for the Arctic. Then again, the Arctic has to be seen in a global context.



The Arctic is of increasing strategic interest, both regionally and globally, due to the opportunities as well as challenges brought about by the pronounced physical, biological as well as social and economic changes observed across this critical part of the Earth system. Much of the interest is either directly or indirectly centered on the Arctic as a key epicenter of global climate change—both in terms of the impacts on it as well as

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its reciprocal feedbacks on lower latitudes. Concern also arises from the huge economic potential of the Arctic, recoverable new energy resources across the region, and the possible opening and consequential expansion of important northern transportation sea routes.

In order to better adapt and plan towards a stable and prosperous Arctic, more information is needed about the potential future conditions of the region. To fulfill this need, the International Institute for Applied Systems Analysis (IIASA) is in the planning phase of a new international, collaborative, and integrative research project, the "*Arctic Futures Initiative" (AFI)*, which will support decision-making in an effort to advance sustainable, and plausible futures for the Arctic in different environmental, social, economic and technological contexts. The rationale for AFI is reflected in a key conclusion from a seminar "*Policy Support from Arctic Research"* held in Helsinki, Finland in May 2013, by the Finnish Prime Minister's Office, the Academy of Finland, and IIASA:

> *There is a decided need for a holistic, integrative assessment of plausible futures for the Arctic, cutting across different disciplines and individual countries' strategic interests.*

The AFI within IIASA aims to exploit IIASA's key position as an international, non-governmental, neutral and independent research organization with a large network through its National Member Organizations. IIASA can also utilize its long history of developing systems analytic approaches while at the same time moving forward truly interdisciplinary perspectives that effectively address today's multivariate and complex issues across local, regional and global scales.

The AFI will work collaboratively with other Arctic institutions and organizations to bring together different scientific disciplines: natural and social sciences, economics, humanities, law, communities, and all affiliated stakeholders to support an integrated and "end to end" science to decision-making framework that builds upon IIASA's 23 National Member Organizations, including five Arctic nations and six Observer nations of the Arctic Council.

The Arctic Futures Initiative is organized to bring together the interests of the research, policy and business communities for an integrated and collaborative approach to a sustainable future in the Arctic. These communities will be involved through representative groups such as the IIASA National Member Organizations and partners (research), the Arctic Council (policy), and the Arctic Economic Council (business). AFI will also, for example, collaborate with the International Arctic Science Committee (IASC), the United States Arctic Research Commission (USARC), and several research projects, one example being the Pan-Eurasian Experiment (PEEX).

Mission: To build a knowledge base that informs decision-making in the Arctic from a comprehensive, holistic perspective, covering social, economic, technological, and environmental issues while also taking into account the connections between the Arctic and the rest of the world.

Objective: To initiate a research project and framework with various components that could contribute to a holistic integrated and sustained assessment of plausible futures of the Arctic.

Key Roles: 1) Bringing socio-economic expertise to bear with technological and environmental expertise for Arctic futures assessments; and 2) Providing a framework for a sustained assessment

process and the ability to bridge the gap between one-time assessment efforts within the Arctic Council.

The overriding objective of AFI is to initiate a research project that will contribute to a sustained holistic integrated assessment of plausible futures of the Arctic, while cutting across different disciplines and individual countries' strategic interests. The initiative will apply advanced integrative and participatory methods developed by IIASA and its international collaborators for examining possible futures of the Arctic. This could include IIASA's research expertise such as work related to socio-economic scenario development; socio-economic vulnerability assessment of sectors and populations (such as the indigenous one); and systems analysis to support decision making and Arctic adaptation efforts.

Whether for the purposes of science, policy or business, efforts focused on the Arctic are multitude but currently remain fragmented. A holistic, integrated systems approach to the Arctic is missing, as is a consistent approach to identifying and communicating the plausible Arctic futures.

Another key role for AFI lays in its ability, as part of IIASA as a long-standing international research institution, to bridge the assessments of the Arctic Council and other relevant institutions across various chairmanships. To fully realize an integrated and sustained assessment process of Arctic futures, various activities within individual chairmanship timeframes will need to fit into a broader sustained assessment framework that AFI will be an essential part of. This type of integrated methodology and sustained framework will produce more usable, timely, and relevant information, scenarios and models for stakeholders in the Arctic that can lead to better decisions to be made for a more sustainable Arctic future.

Commentary

Russian Military Activities in the Arctic:
Myths & Realities

Alexander Sergunin & Valery Konyshev

The outbreak of the Ukrainian crisis has spurred new accusations of Russia as being an aggressive and militarist power not only in East Europe but also in the Arctic (in addition to the charges brought earlier with regard to the planting of the titanium flag on the North Pole in 2007, resumption of naval and air patrols in the region and military modernization programs of the Russian conventional and nuclear forces deployed in the Far North). It was expected that in the wake of the crisis Moscow would dramatically increase its military activities and presence in the region as well as accelerate its military modernization programs. Some experts paid attention to the fact that Russia's new maritime doctrine (July 2015) has identified the Arctic (along with the North Atlantic) as priority areas for the Russian navy.

However, these alarmist expectations were not fulfilled. First of all, there was no any substantial paradigmatic shift regarding the Kremlin's vision of the military power's role in the Arctic. As before, Moscow's military strategies aimed at three major goals: first, to demonstrate and ascertain Russia's sovereignty over the Arctic Zone of the Russian Federation (AZRF), including the exclusive economic zone and continental shelf; second, to protect its economic interests in the High North; and third, to

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demonstrate that Russia retains its great power status and has world-class military capabilities. In a sense, Russian military strategies are comparable with those of other coastal states (especially the U.S. and Canadian ones).

Still, some impact of the Ukrainian crisis could be seen in the increasing number and scale of the Russian military exercises in the Arctic. For example, in March 2015 Putin ordered to inspect the Northern Fleet for combat readiness. Some 38,000 soldiers, 3,360 vehicles, 41 naval vessels, 15 submarines and 110 aircrafts were involved in the inspection. In August more than 1,000 soldiers, 14 aircraft and 34 special military units took part in drills on the Taymyr Peninsula (northern Siberia).

However, it should be noted that the March combat readiness inspection was a response to NATO's preceding drill in Norway which involved 5,000 troops, the largest military exercise on the NATO northern flank since 1967. As for the August exercise, according to the Northern Fleet Commander Admiral Vladimir Korolev, this exercise was purely defensive as it was done more than 3,000 km away from the Norwegian border and directed to protect economic security of the AZRF (to prevent poaching, smuggling, illegal migration as well as to conduct search and rescue operations) rather than to plan any offensive moves.

So far, Russia has responded to NATO's moves with more rhetoric than action in the Arctic, notes Andreas Østhagen, an Arctic policy expert with the Norwegian Institute for Defense Studies. In contrast with the Baltic Sea region where the NATO-Russian tensions have obviously increased over the last year, "The situation in the High North is close to normal compared to the activity of the last years," the head of the Norwegian Joint Command Headquarters, Lt. Gen. Morten Haga Lunde believes. "This is in spite of the tense situation that has evolved between Russia and NATO."

According to official numbers from the Norwegian Joint Command Headquarters, there had been 43 scrambles and 69 identifications in international air space outside the coast of Norway in 2014. In 2013 there were 41 scrambles and 58 identifications, and in 2012 there were 41 scrambles and 71 identifications. The numbers are considerably lower than during the 1980s, when there could be as many as 500 to 600 identifications per year.[1]

There was no dramatic increase in Russia's naval and air patrolling of the North Atlantic and Arctic in 2014-2015. Moreover, after two catastrophes with the Tu-95 strategic bombers (Summer 2015) their flights were suspended for a while.

Russia's military modernization programs in the Far North were implemented according to schedule. However, some Western military analysts tried to represent the deployment of the Pantsir S-1 short-range air defense system on the Kola Peninsula, plans to replace S-300 long-range air defense system by a more advanced S-400 'Growler' system, tactical training for fighter jet pilots in Arctic conditions, sea trials of nuclear submarines (most of which are designed for the deployment to the Pacific Fleet), plans to establish 16 deep-water ports, 10 search and rescue stations, 10 air defense radar stations, and 13 airfields along its Arctic periphery as an evidence of Russia's growing military ambitions in the High North.

These experts tend to ignore that fact that the Soviet-time military machine has significantly degenerated in the 1990s and early 2000s and the Russian conventional and nuclear forces badly need modernization to effectively meet new challenges and threats.

To reorganize in a more efficient way the Russian land forces in the Western part of the AZRF there were plans to transform the motorized infantry and marine brigades located near Pechenga (Murmansk region) to the Arctic special force unit, with soldiers trained in a special program and equipped with modern personal equipment for military operations in the Arctic. The Arctic brigade should be operational by 2016. There were also plans to create another Arctic brigade somewhere in the Arkhangelsk region. All conventional forces in the AZRF should form an Arctic Group of Forces (AGF) to be led by the joint Arctic command (to be established in 2017).

However, the Ukrainian crisis has made adjustments to Russia's military planning. While two Pechenga-based brigades were left in place, the Arctic brigade was surprisingly created ahead of schedule (in January 2015) and deployed in Alakurtti which is close to the Finnish-Russian border. Another surprise was that given an 'increased NATO military threat' in the North, President Putin has decided to accelerate the creation of a new strategic command 'North' which was established in December 2014 (three years ahead of the schedule). It was also announced that the second Arctic brigade will be formed in 2016 and will be stationed in the Yamal-Nenets autonomous district (east of the Ural Mountains in the Arctic Circle).

Another interesting structural change is an ongoing reorganization of the Russian Coast Guard (part of the Federal Security Service (FSS), successor of the KGB). Now the Coast Guard has a wide focus in the Arctic: in addition to the traditional protection of biological resources in the Arctic Ocean, oil and gas installations and shipping along the Northern Sea Route are among the agency's new top priorities. For this purpose, the FSS has established two new border guard commands: one in Murmansk for the western AZRF regions, and one in Petropavlovsk-Kamchatsky for the eastern Arctic regions.

There are plans to equip the Coast Guard in the AZRF with the brand new vessels of project 22100. The Okean-class ice-going patrol ship, the Polyarnaya Zvezda (Polar Star), is currently undergoing sea trials in the Baltic Sea. Vessels of this class can break up to 31.4 inch-thick ice. They have an endurance of 60 days and a range of 12,000 nautical miles at 20 knots. They are equipped with a Ka27 helicopter and can be supplied with Gorizont UAVs (unmanned aerial vehicles).

The attention which Russia pays now to the Coast Guard is in line with what other coastal states do (especially Norway and Denmark).

To conclude, serious international experts do not see any particular alarming trends in Russia's military behavior in the Arctic in the aftermath of the Ukrainian crisis. According to the former Commander of the U.S. Coast Guard and current U.S. State Department Special Representative to the Arctic, Admiral Robert J. Papp: "Everything we have seen them doing so far [i.e. Russia], is lawful, considered and deliberative. So we'll just continue monitoring it and not overreact to it." Papp noted that all countries have a responsibility to be able to provide search and rescue capabilities and navigation assistance in the area and Russia seems to be investing in that.[2]

Notes

1. T. Pettersen (2014, December 19). Stable Russian Air Activity in the North. *Barents Observer*. Available from http://barentsobserver.com/en/security/2014/12/stable-russian-air-activity-north-19-12.
2. Radio Sweden (2015, 22 May). New Security Landscape in the Arctic. Available from http://www.adn.com/article/20150522/new-security-landscape-arctic.

Commentary

NATO & the Arctic

Maarten de Sitter

In the light of its already full plate of responsibilities it was not surprising that the Alliance did not react collectively to the territorial Arctic claims Russia deposited in August 2015. Faced i.a. with Putin's ongoing illegal action on the Alliance's eastern flank, the deterioration of the situation in Afghanistan and threats to its southern member Turkey, finding a consensus in any way vis-à-vis High North issues is clearly not on NATO's forefront.

This taciturnity however sends a bad signal, both to Vladimir Putin as well as to the Arctic nations, as it could be interpreted as a lack of interest. Bad PR, so to speak.

Alliance silence on the matter unfortunately reflects a more engrained problem. Notwithstanding persistent efforts in the last decade, for instance by Norway, to get and keep the issue of High North security on the radar in Brussels, a collective decision to address the changing strategic situation remains elusive. Even Putin does not now trigger a NATO High North position. Individual nations have taken measures – e.g. the creation of a Danish Arctic Command – but a collective response is absent.

Leaving the legal merits of the ambitious Russian territorial claim to the experts, politically the announcement clearly fits in the aggressive expansionism that is Putin's hallmark. A collective Allied reaction to Moscow's attempted Polar territory grab requires the initiative by one or by a group of

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nations in the North Atlantic Council to discuss the matter followed by consensus on text and possible measures. No move in NATO HQ in that direction can as yet be discerned.

This lack of collective positioning on the High North, against a background of Russian sabre rattling, but also in the face of a growing understanding of the overall impact climate change has on the regional strategic situation in the High North, is not surprising. There is no NATO High North Security Strategy. The dearth of attention for the region was already evident at the launch of the NATO Strategic Concept in 2010, in which there is not a word about the Arctic. An absence of consensus between the editors of the Concept – i.e. member states – prevented the issue being incorporated in this guiding document.

NATO can of course not be blamed that in 2015 the Strategic Concept also in general terms looks outdated, especially considering Putin's continuing belligerent antics. But one expected that NATO declarations since Moscow's illegitimate acts started would not only focus on beefing up Baltic and eastern Alliance members' security but would also send a clear message regarding Russian polar posturing and preparation. Even so, an icy silence prevails.

The timely visit of NATO Secretary General Stoltenberg to NATO Founding Member Iceland in April 2015 raised hopes of High North Security experts of some tough language from Brussels. Disappointingly, nothing of substance was announced to manifest that in the northern region too, NATO is strengthening its guard to defend Alliance interests. A guard that is called for also because, as new maritime options develop, a range of opportunities appears for Russia to spoil – if not do worse to – Western interests.

Three potential measures of increased vigilance present themselves.

ONE: the current NATO air surveillance mission should become permanent, i.e. NATO nations should continue to mount a taskforce of aircraft for air policing and other tasks at Keflavik on a rotational scheme, but henceforth without gaps of months of absence as currently is the practice.

TWO: NATO should consider upgrading its liaison office in Iceland, maybe in an adapted variation on the model of the NATO Force Integration Units (NFIU) recently installed in the Baltic States, Poland, Romania and Bulgaria as part of the Readiness Action Plan that is NATO's military response to Moscow's aggression. A small NFIU HQ with emphasis on support for NATO's regional air and maritime activities.

THREE: the budding initiative to create a regional Search and Rescue (SAR) Centre should now be materialised. This is not a NATO activity, but clearly one to be supported by all nations and organisations with Arctic activities. NATO can provide expertise. The requirement to be able to assist over long distance in case of incidents in or over Arctic waters is massively evident. The beauty of this proposal is that it could include an invitation to Russia, as member of the Arctic Council, to join, and hence have SAR become an instrument of détente.

Finally, all three measures should tbe supported by Alliance common funding as Iceland alone cannot be shouldered with the financial burden.

As winter approaches, one continues to hope NATO will get its polar act together soon.

Commentary

Does the Sun also Rise in the Arctic? Three Pillars of Japan's Arctic Policy

Fujio Ohnishi

Japan or Nihon in Japanese means a country from which the Sun rises. In general, the word Sun is often used as a metaphor for Japan. This commentary explains Japan's Arctic engagement by focusing on its three pillars, and also considers its policy prospects.

Japan's Arctic engagement has centered on three pillars, namely the pillars of diplomacy, science and business, although these pillars are self-sustained by ministries concerned rather than coordinated among them. The oldest pillar is the diplomatic one, since it dates back to Japan's signing of the Svalbard Treaty in 1920. However, this pillar had been dormant until recent years. In July 2009, the Ministry of Foreign Affairs (MoFA) officially submitted its offer to be a permanent Observer to the Arctic Council. In March 2013, MoFA appointed an ambassador in charge of Arctic affairs. As a result of various diplomatic efforts, Japan was admitted to Observer status of the Arctic Council in May 2013.

The most substantial engagement was conducted in the pillar of science. Both the National Institute of Polar Research and Marine Science and Technology Center (now called the Agency for Marine-Earth Science and Technology) have been the main organs which conducted observational research in the Arctic since the beginning of the 1990s. More recently, the Ministry of Education, Culture, Sports, Science and Technology inaugurated the five-year GRENE Arctic Climate Change Research Project 2011-2015, which was succeeded by the Arctic Challenge for Sustainability Project 2015-2019 (ArCS).[1]

The less emphasized but embracing huge potential is the pillar of business. The pilot case was the Kalaallit Nunaat Marine Seismic (KANUMAS) project 1990-1962.[2] More recently, the Japanese

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government showed interest in the utilization of the Northern Sea Route (NSR). The Ministry of Land, Infrastructure and Transport (MLIT) performed feasibility research on shipping and logistics through the NSR for the private sector including shipping companies, trading companies, and electric power companies. MLIT organizes a Public-Private Partnership Council for the Northern Sea Route.

When the government adopted the second version of the Basic Plan on Ocean Policy in April 2013, the Arctic-related measures among others were for the first time installed at the Cabinet level.[3] Although most such measures were not brand-new, what was unprecedented was that it instituted two primordial linkages among the three pillars: to utilize the pillar of science for the pillar of business, and to make efficient use of the pillar of diplomacy for the pillar of science.[4]

In an attempt to pursue a more developed and comprehensive Arctic policy promoting full-fledged interests for Japanese stakeholders such as governmental agencies, academic communities and industries, the Japanese government is now drafting an Arctic policy document including facilitation of observational research, promotion of international cooperation, utilization of the NSR, and securing safety navigation and national interests. Japan's new Arctic policy document is scheduled to be announced at some point within this year.

To conclude, Japan will show its flag in the Arctic more clearly, and thus we watch a true sunrise at hand.

Notes

1. For more information on the ArCS, see the following website. http://www.mext.go.jp/english/research_development/ (accessed August 24, 2015).
2. The KANUMAS project was an international seismic reconnaissance survey off the eastern and western coasts of northern Greenland. The Japan National Oil Corporation (now called Japan Oil, Gas and Metal National Corporation, or JOGMEC) joined the project as a member of the major oil companies (BP, ExxonMobil, Shell, Statoil and Texaco) in addition to Nunaoil, the Greenlandic oil company, as a key operating partner. Each of them was admitted a preferential exploration position in the areas covered by the seismic surveys.
3. The 2013 Basic Plan on Ocean Policy was the second action plan for the 2007 Basic Act on Ocean Policy, following the 2008 Basic Plan. The Headquarters for Ocean Policy led by the Prime Minister functions as a composer coordinating and arranging interests related to various marine issues among several ministries.
4. Ohnishi, *op.cit.*, pp. 200-201.

Section VI

Briefing Notes

Briefing Note

What Role for the Arctic in the UN Paris Climate Conference (COP-21)?

Sébastien Duyck

During the two first weeks of December 2015, the UN Climate Conference in Paris will put climate change back at the center of the agenda of the international community. Six years after the breakdown of the Copenhagen climate conference, the international community is once again aiming at finalizing and adopting a new legally-binding instrument to address climate change.

Just as the climate negotiations ramp up in the lead up to this event, climate change has also emerged as a major theme of the ongoing US chairmanship of the Arctic Council. The country has not only committed to work through the Council and its Working Groups towards better addressing climate impacts across the circumpolar world, but mindful of the upcoming Paris conference, President Obama also conveyed an unprecedented intergovernmental conference in the Arctic to highlight the regional implications of climate change and to raise awareness.

In the context of these parallel developments, we review the role that the Arctic plays in relation to these international climate negotiations. How have Arctic climate change been addressed so far by two decades of climate negotiations? Who is "speaking for" the Arctic in this process? Will the Paris climate agreement have an impact on policy and economic developments in the Arctic? Before

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addressing each of these questions, we will provide a short overview of what the Paris Climate Conference is expected to deliver.

What can one expect from the Paris climate conference?

The Paris climate conference is the final step in a four-years long negotiating process that was initiated to address some of the policy gaps left by the failure of the Copenhagen conference.

The conference is expected to result in a package outcome building on four main elements that will define the response to climate change for the years to come (Boyd et al. 2015: 7). Firstly, governments are finalizing the drafting of a new agreement setting a new framework for climate cooperation. Contrary to its predecessor, the 1997 Kyoto Protocol, this new agreement is expected to involve actively all countries and to address both the reduction of greenhouse gases emissions as well as issues related to climate adaptation. Secondly, all governments are requested to provide a national contribution highlighting the domestic policies and targets in relation to low-carbon development and – for most countries – to climate resilience. Thirdly, the conference will offer an opportunity for developed countries to confirm how they intend to support financially developing countries struggling with climate impacts or intending to implement drastic cuts in their carbon emissions. Fourthly, local governments and private entities are invited to join the momentum for climate action by offering their own voluntary commitments to those of national governments.

By building on self-defined targets and voluntary commitments, this package approach constitutes a shift from the previous rounds of climate negotiations and from the model that underpinned the Kyoto Protocol. The current negotiations build from the premise that governments are not yet willing to take sufficient action to prevent a dangerous increase of temperatures but that a new agreement promoting transparency, financial and technological support and participation by all actors might help to increase incrementally this collective ambition.

How has the Arctic been addressed so far by two decades of climate negotiations?

The Paris conference will be another milestone in a process initiated in 1992 with the adoption of the UN Framework Convention on Climate Change (UNFCCC). Since then governments have continuously worked under the aegis of the United Nations to foster international cooperation on the

issue. The Paris Conference is thus the 21st Conference of the Parties to the UNFCCC ("COP-21"), all previous conferences having resulted in their share of decisions – the most significant being the adoption of the Kyoto Protocol in 1997 which set emissions target for a limited set of industrialized countries.

While the Arctic has become the most prominent icon of ongoing climate impacts, the region has not been directly addressed during these two decades of international negotiations (Doelle 2009; Duyck 2012). Indeed, the review of the legal instruments and political decisions adopted at each annual conference reveals a complete absence of reference to the region. Several elements contribute to explain why the UN negotiations have remained seemingly oblivious to the implications of climate change in the Arctic.

Firstly, the international nature of this process limits the opportunity to address regional specificities. The political decisions resulting from the annual climate conference do not refer to specific geographic regions. References to Africa constitute the only notable exception to this principle, the continent being referred to as "the region suffering the most from the combined impacts of climate change and poverty," a reference meant to highlight the need to channel specific resources to support the climate policies of African countries.

Secondly, the strong distinction established in the Climate Convention between industrialized and developing countries has limited the opportunity for the climate negotiations to address climate impacts in the Arctic. Building on these differentiated roles, the UN addresses the vulnerabilities and adaptation needs of developing countries, those of industrialized nations being primarily considered as a matter for domestic policies. As all circumpolar states fall under the second category, issues related to adaptation to climate impacts in the Arctic have fallen outside of the scope of discussions taking place under the UNFCCC.

Thirdly, the eight Arctic states (Canada, Denmark/Greenland, Finland, Iceland, Norway, Russia, Sweden and the United States) have established the Arctic Council as their own regional forum to address circumpolar issues. Since the adoption of the Arctic Environmental Protection Strategy in 1991, the role of climate change as a driver of regional changes has been at the core of circumpolar environmental cooperation (Koivurova & Hassanat 2010).

In particular, the Arctic Council contributed greatly to the understanding of the implications of climate change through its 2004 Arctic Climate Impact Assessment (ACIA) – an unprecedented regional assessment of ongoing climate change impacts (Nilsson 2007). Since then, the Council continued to foster climate related research, with recent projects focused on the impacts of climate change on the cryosphere and on ocean acidification. While it continues to play a critical role to foster regional cooperation on climate science, the Council struggled for a long time to initiate policy actions on the basis of these recommendations (French & Scott 2009: 654). The reduction of emissions of short-lived climate forcers could in particular provide an avenue for the Council to promote regional action mitigating climate change (Rosenthal & Watson 2011). Currently, the Arctic Council's Expert Group on Black Carbon and Methane is considering this issue and supports the implementation of the Council's Framework for Action on Enhanced Black Carbon and Methane Emissions Reductions adopted during the 2015 ministerial meeting.

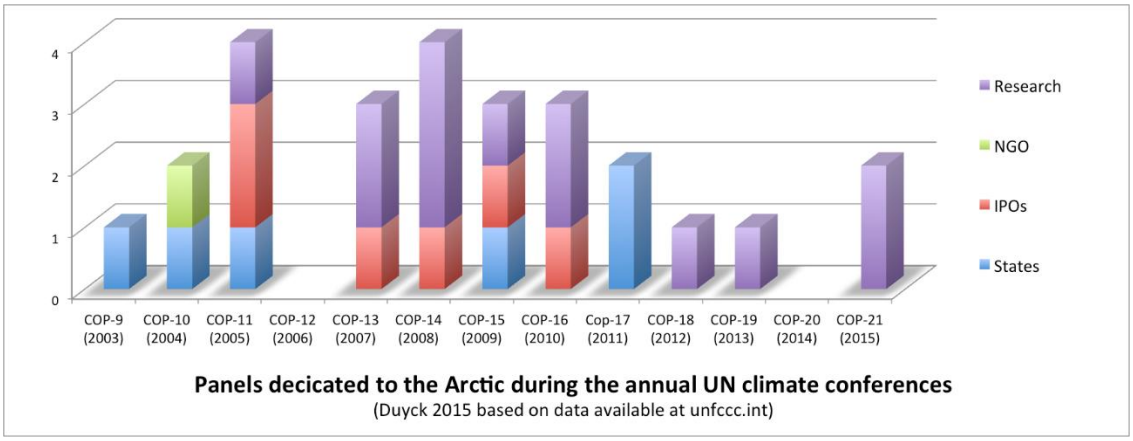
Who "speaks for" the Arctic in the UN climate negotiations?

Three main groups of actors participating to this negotiation process could possibly highlight the nature of Arctic climate changes: the Arctic states, Arctic indigenous peoples and the research community. The number of Arctic-focused side events organized during the climate conferences provides an indication of the role played by different actors to ensure that Arctic climate changes do inform the negotiations. While these events do not provide formal input to the political process, these events offer a significant opportunity to highlight emerging issues (Hjerpe & Linnér 2010).

The limited role played by the Arctic states and their forum

In state-driven processes such as the UN climate talks, national governments have an almost exclusive role in relation to the definition of its scope. The eight Arctic states are therefore best positioned to potentially promote Arctic specific issues in the climate negotiations. Up to now, their governments have however played a relatively limited role to bring polar issues at the UNFCCC.

Table 1: Panels dedicated to the Arctic during the Annual UN climate conferences



In their periodic report on national circumstances and implementation, the Arctic states have increasingly provided information related to the vulnerability of their northernmost territories and to ongoing scientific research conducted in the region (Duyck 2015: 67). On the other hand, the eight states have seldom referred to the region in their negotiating positions and, when they did, these references related primarily to the need for further scientific research on regional climate processes.

Additionally, the visibility of the Arctic Council and its climate-related projects has been very limited in the climate talks. Firstly, the Arctic Council lacks observer status to the UNFCCC due to its peculiar legal nature and consequently has much more limited options to provide contributions to the process. Secondly, some of its members have explicitly requested in the past the Council not to become directly involved in the negotiations. During its recent chairmanship of the Council, Canada also discontinued the practice of delivering an oral ministerial statement on behalf of the Council during the annual conference. Thus, while the Arctic states have repeatedly emphasized the importance of tackling Arctic climate change in each ministerial declaration adopted by the Arctic Council, they have done relatively little to promote this specific agenda under the aegis of the UNFCCC.

Participation to the climate negotiations by Arctic indigenous peoples

Representatives from Arctic indigenous peoples constitute a second group of actors who could raise Arctic specific issues in the climate process. Arctic indigenous peoples have been recognized as key actors in relation to regional environmental governance and have secured a unique status at the Arctic Council (Koivurova 2011). Building on this experience, indigenous representatives have participated regularly at the climate talks, either as members of the governmental delegations or with an observer status. Arctic indigenous peoples' organization the Inuit Circumpolar Council (ICC) in particular participated in the negotiations between 2003 and 2005 to highlight the human rights implications of climate change and the need for stronger climate action. The ICC had previously been successful in triggering an international response to the issue of chemical pollution of the Arctic, resulting in the adoption of the UN Stockholm Convention on Persistent Organic Pollutant (Downie & Fenge 2003).

However, the messages carried by the ICC message faced much stronger resistance in the climate negotiations (Watt-Cloutier 2015). Even under the framework of the Arctic Council, Arctic indigenous

peoples sometimes struggled to get their messages heard on par with those of scientists (Shadian 2014: 187). Consequently, Arctic indigenous peoples organisations have not been able to convey effectively their message among the multitude of voices and communities represented at UN annual climate conference. During the past years, the most prominent messages voiced by indigenous peoples in the UN climate talks have shifted to other themes more relevant to other regions of the world, such as the need to respect indigenous traditional knowledge and indigenous rights, in particular in relation to projects related to the reduction of deforestation in rainforest countries.

Contributions by the research community

Over recent years, the Arctic has actually been mainly mentioned in the negotiating halls of the UN climate talks through the presentations delivered by scientists. In particular, research institutions have repeatedly highlighted the most recent findings related to Arctic changes in side events organized during the conferences.

Additionally, the scientific dialogue initiated in 2013 to review the merits of long-term temperature goal provided the first forum to discuss more specifically Arctic climate impacts. This formal dialogue aims, among other objectives, at reviewing whether the target of 2ºC adopted by governments during the Copenhagen conference is sufficient to prevent the most dangerous impacts of climate change. Considering the direct human rights implications of climate change in the Arctic, information related to Arctic impacts is indeed particularly relevant to inform any interpretation of the objective to avoid dangerous interference with the climate system (Crowley 2010).

Through this process, scientists have highlighted climate impacts observed in the region and warned that an increase of 2ºC of global temperatures implied a much more severe warming of the region. In February 2015, a representative from the Arctic Council's Arctic Monitoring and Assessment Programme shared information with governmental delegates on the ongoing and projected impacts of climate change across the circumpolar world. This scientific dialogue offered the first concrete opportunity for Arctic scientific findings to inform the UN climate talks, playing the role of a bellwether so often described for the region. However, the impact of this process is limited by the fact that governments are already struggling to provide commitments that would add up to an emission pathway compatible with the initial 2ºC target. The outcome of the review – which will be formally decided in Paris – is therefore unlikely to have more than a symbolic value.

Will the Paris climate agreement have an impact on environmental, policy and economic developments in the Arctic?

References to the Arctic in the UN climate talks have thus mainly remained focused on scientific evidences of ongoing impacts than on specific policy proposals. Consequently, the Arctic is not specifically addressed in the ongoing negotiations towards the Paris climate conference, the formal negotiating text serving as a basis for these negotiations containing no reference to the Polar Regions.

The Paris climate conference is also unlikely to trigger sufficient new commitments by governments in order to reduce emissions sufficiently to prevent irreversible climate impacts in the Arctic. Initial analysis of the national commitments submitted by governments ahead of the October 1st deadline

indicated that the current level of commitment might limit the global increase of the temperatures by 3.5ºC by the end of the century. While such an increase of temperatures would be lower than would otherwise occur in a business as usual scenario, it would still be far too high to prevent irreversible climate impacts in the Arctic, such as on the stability of the Greenlandic icesheet or on the summer sea ice (Lenton 2012).

Nevertheless, despite this absence of explicit reference and the failure to secure sufficient mitigation ambition, the future Paris climate agreement could possibly impact Arctic developments through two main channels. Firstly, the agreement could provide a new momentum for international cooperation on adaptation policies. Secondly it could send the strongest message adopted by the international community so far with regards to the commitment of countries to decarbonize the global economy.

Adaptation has always been a core policy area addressed under the UNFCCC (for instance with the establishment in 2001 of an Adaptation Fund or the adoption in 2005 of the Nairobi Work Programme on impacts, vulnerability and adaptation). Cooperation under the UNFCCC on adaptation has however remained focused on supporting developing countries deal with the impacts of climate change. As far as their own adaptation policies were concerned, developed countries are so far only required to implement actions and to provide regular reports on these policies.

However, the new Paris agreement could modify this approach as it is expected to build on a more universal approach, highlighting for instance the responsibility of all parties to implement domestic adaptation measures and to cooperate in the exchange of good practices. This development could foster cooperation and exchange of good practices between developed countries, including through regional forums. The Arctic Council's project "Adaptation Actions for a Changing Arctic" (AACA), perceived by some as the opportunity to restructure the work of the Arctic Council (Kankaanpää 2012: 105), could for instance benefit from this new momentum.

Secondly, the adoption in Paris of a long-term mitigation goal could affect the prospects for the fossil fuels industry seeking to operate in the Arctic. While governments agreed in Copenhagen to a quantified objective (limiting warming below 2ºC), they have remained evasive as how they intend to meet this goal. In the lead up to the COP-21, a growing number of countries and institutional actors have increasingly called for the adoption in Paris of a new and more practical universal policy goal

that would highlight the need for the long-term decarbonisation of the global economy or the reduction to zero of emissions generated from the combustion of fossil fuels emissions.

This provision would mainly have, at this stage, an aspirational nature. Even if countries in Paris were to endorse the need to phase-out fossil fuels emissions before the end of the century, the governments of the five Arctic coastal states are unlikely to shift their current position and to renounce to exploit the oil and gas reserves trapped under their Arctic continental shelves. But such a statement could further emphasize the financial risks related to stranded assets (resources which are no longer able to earn the economic return originally expected due to a change of the regulatory or economic landscape). In a region where the scale of investments required to produce fossil fuels leads to particularly slow return on investment, a strong commitment by all governments to phase out fossil fuels emissions could further undermine the economic rationale of new oil and gas extraction projects.

Credit pictures (in order): Sébastien Duyck, UNEP/Grid-Arendal, Jay Preston, Krichevsky.

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Briefing Note

The New Nexus of Climate & Energy Security for the Sustainable Arctic Future

Hyo-Sun Kim

The Arctic is a prism to display history of the earth, interaction of global economy, and integration of cross-cutting issues in sustainability. In a broad context of social policy, the nexus of climate and energy security is critical to develop policy mix for the transition to the green economy and sustainable development. The social dimensions of green economy require changes in patterns of investment, technology, production associated with sustainable development.

Figure 1 displays a comparison between social indices among Arctic Council member countries, when we set the case of US equals 1. Compared to US, Russia spends more on military expenditure and less on health care. Canada and Norway outperform US, in terms of mitigation policy and economic growth, respectively. However, an economic slowdown is remarkable, especially in Nordic countries and Russia due to the low price of oil and global recession.

West Texas Intermediate (source: OPEC, IEA) fell from $73 USD per barrel in the fourth quarter of 2014 to $49 USD per barrel in the first quarter of 2015 and accordingly, consumer energy prices fell early in the year. CBO (2015) expects that the global economy is still in the midst of a recovery and oil prices begin to rise by the end of 2015, largely in response to rising global demand for oil, which will lead to gradual increases in consumer energy prices.

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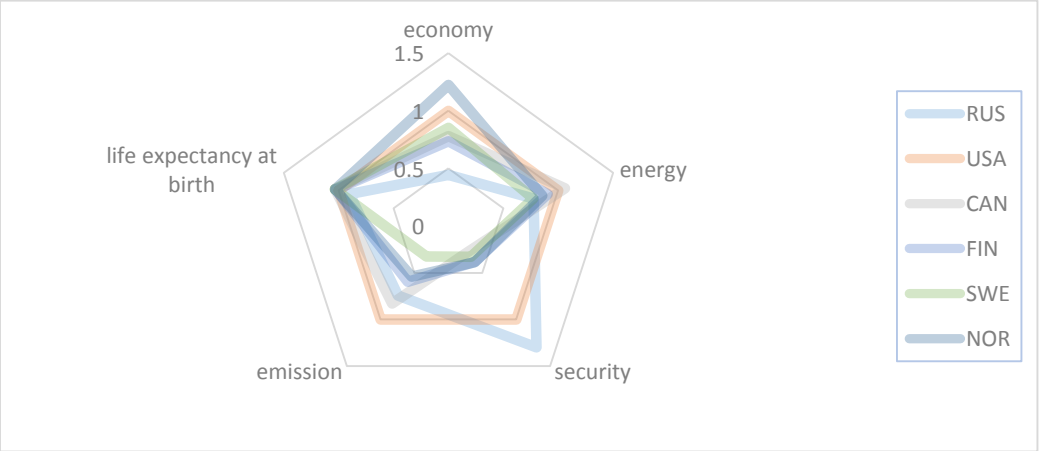
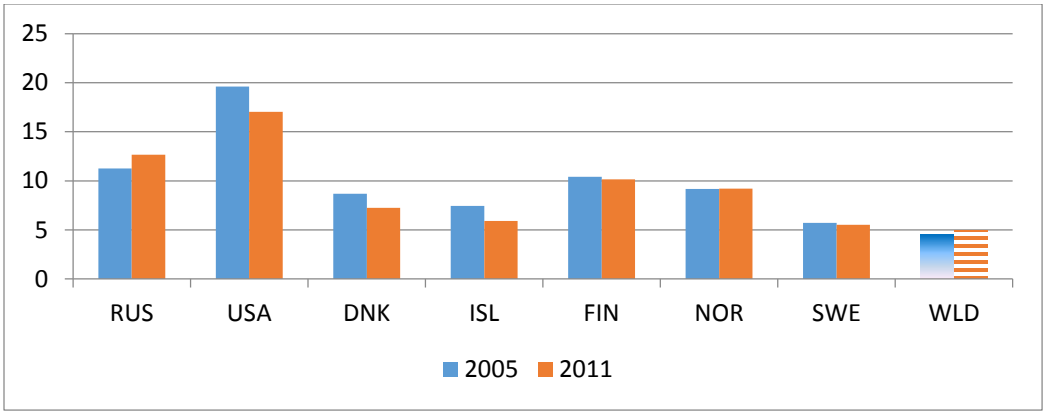
The Arctic becomes global and more complicated, since dramatic changes, such as sea ice loss, are projected to occur in Arctic ecosystems and influence the rest of the world with extreme weather events and unpredictable consequences. Arctic sea ice has decreased 14% between 2010 and 2012 since the 1970s (Tilling et al. 2015). The changes in the Arctic Ocean are so profound and climate change is faster and more severe in the Arctic than in most of the rest of the world. The Arctic is warming at a rate of almost twice the global average. That's why sound adaptation strategy against climate change in the Arctic is needed for the global community as well as for the Arctic region.

Figure 2: Sustainability Indices of Arctic Council members (US=1.00). Economy index indicates GDP per capita based on purchasing power parity (PPP). Energy index refers to use of primary energy (kg oil equivalent per capita) before transformation to other end-use. Emission indicates carbon dioxide emissions (metric tons per capita) stemming from burning of fossil fuels and manufacturing. Security index and life expectancy at birth explain military expenditures (% of GDP) and the number of years a newborn infant would live if prevailing patterns of mortality at time of birth were to stay the same throughout its life, respectively (based on World Development Indicators 2011).



Climate change triggers irreversible changes. 95% of the change in the climate is *caused* by CO_2. And CO_2 emissions come from energy use, mostly fossil fuel. The Arctic has huge potential to supply oil and gas, although challenges to Arctic resource recovery comprise two sides of the same coin. Balancing opportunities and obstacles is key in developing Arctic oil and gas. Although the external cost in present value seems to be high in the case of Arctic oil drilling, the timing of Arctic oil recovery depends on two markets: the global oil market and the carbon market.

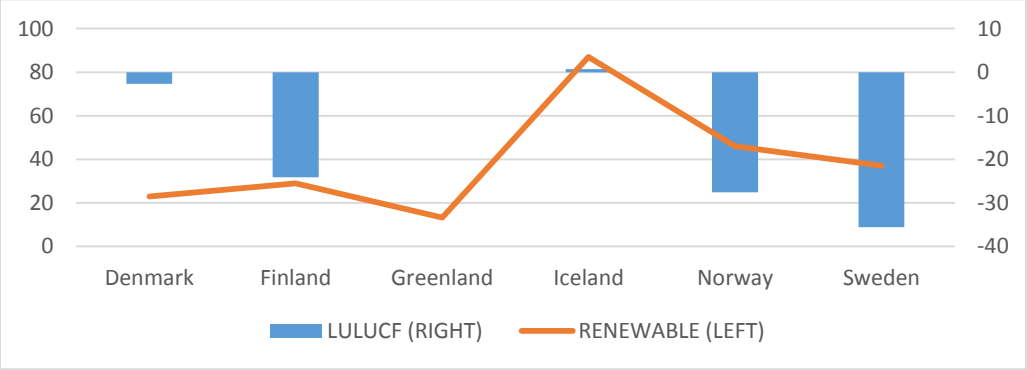
Figure 3: CO_2 Emissions (metric tons per capita) based on World Development Indicators.



Several of the Arctic Council members are exporters of oil and gas. And their CO_2 emissions on a per capita basis are above the world average. However, most of the countries (except Russia) in the Arctic are experiencing a decrease in the CO_2 emissions on a per capita basis, since 2005 (Figure 2). This is largely due to ambitious emission reduction targets[1] and successful renewable policies in the Nordic countries. In the case of the United States, shale gas has contributed to mitigation progress in the industrial sector.

The Nordic countries have pioneered energy and carbon taxes, which provide incentives for energy-saving and fuel switching to lower carbon energy. Figure 3 illustrates renewable energy share in total energy supply and net removals of CO_2 from LULUCF[2] in Nordic countries. Iceland has a high proportion of renewables in their total energy supply. And carbon sequestration such as LULUCF has resulted in a decrease of net carbon emissions, by 25% lower than in 1990.

Figure 4: Renewable Energy as % of Total Energy Supply (2012) and Net Removals (MT CO_2) from LULUCF, (2011).



Climate change is not a regional issue, but rather part of a global agenda. Without support from developing countries, the synergy effects of national policies in leading countries will be limited. In this regard, carbon financing can be a catalyst to promote investments towards a low-carbon economy.

The European Union Emissions Trading Scheme (EU-ETS) has served climate policy using market instruments, providing price signals for abatement technology since 2005. It allows firms to choose abatement technologies based on market price of CO_2 permits, so that market price reflects information regarding demand and supply for the carbon permits. As such, market efficiency is a key

element to providing right price signals to market participants as well as to potential investors for technology development.

Investors have been skeptical about market efficiency of the EU-ETS, because the carbon market is considered as a relatively thin market, compared to the stock market. Few transactions take place, so that the carbon market has often been volatile and less liquid, reflecting policy risks and uncertainty about allocation plans from phase I to phase III. However, regardless of the criticism, EU-ETS has offered opportunities for the firms under CO_2 regulation to reduce abatement costs. In particular, EU-ETS allows market players to trade the permits within the same commitment period and this flexibility provides less incentive to switch between spot and futures. Kim and Lee (2015) and Lean et al. (2010) point out, in a short period, how there may exist arbitrage opportunities in the EU-ETS, but arbitrage opportunities in the EU-ETS will disappear in a long-term commitment period, as long as the market is efficient.

Korea launched an emissions trading scheme in 2015, which is a significant milestone in cutting greenhouse gas emissions and bolstering its clean technology. California and Québec have linked their cap-and-trade systems. China plans to implement a national emissions trading system as early as 2016. As articulated by the World Bank, carbon pricing is expanding. Carbon pricing is an essential element of the policy mix towards sustainable development and a green economy, not only for the Arctic community, but also for our future of global community.

The 21st COP of UNFCCC is expected to provide momentum to open a new paradigm for global commitments towards green economy. We are confronting challenges at the new nexus of energy and climate security. Since the Arctic is vulnerable to climate change and energy security, we should try our best efforts to initiate constructive dialogues, to promote public-private partnerships and to enhance interdisciplinary collaboration on Arctic research and policy development.

Notes

1. The national targets for emission reductions for 2020 (compared to 1990 benchmark figures) in Nordic countries are as follows: Denmark (40%), Iceland (15%), Norway (30%), and Swed en (40%). Finland participates in the European Union Emissions Trading (EU-ETS). The nat ional target outside ETS is 16% below 2015 level.
2. LULUCF = Land use, land use change and forestry

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Briefing Note

The Oslo Declaration on High Seas Fishing in the Central Arctic Ocean

Erik J. Molenaar

On 16 July 2015, in Oslo, the coastal states of the Arctic Ocean – Canada, Denmark, Norway, the Russian Federation and the United States (Arctic Five) – took a long-awaited further step in the international regulation of Arctic Ocean fisheries by signing the 'Declaration Concerning the Prevention of Unregulated High Seas Fishing in the Central Arctic Ocean' (Oslo Declaration). Key features of the Declaration are that it contains various political commitments, rather than international obligations; it relates exclusively to fishing in the high seas portion of the central Arctic Ocean; it is different than a 'moratorium', 'ban' or 'freeze of fishing effort'; and it applies only to the Arctic Five.

The origins of the Arctic Five's process on Arctic Ocean fisheries can be traced back to the United States Senate joint resolution No. 17 of 2007, directing the United States "to initiate international discussions and take necessary steps with other Nations to negotiate an agreement for managing migratory and transboundary fish stocks in the Arctic Ocean." One of the first intergovernmental discussions on Arctic Ocean fisheries occurred at the November 2007 meeting of the Arctic Council's Senior Arctic Officials (SAOs), which concluded that "There was strong support for building on and considering this issue within the context of existing mechanisms." The search for a suitable mechanism – existing or new – took place largely in 2008 and 2009, during which various existing

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regional and global bodies were proposed by interested states and entities. No consensus among the Arctic Five could be reached for any of these proposals.

By the end of 2009 or at least by early 2010, the Arctic Five agreed that if a new international instrument on Arctic Ocean fisheries should be developed at all – which was not yet evident for all five by then – its development should be initiated and led by the Arctic Five outside the framework of (other) existing mechanisms. For this purpose, the Arctic Five have, since March 2010, convened a number of policy/governance meetings at senior officials level, alongside a series of science meetings. The former includes three meetings on which information was made publicly available, namely in June 2010 (Oslo), in April/May 2013 (Washington D.C.) and in February 2014 (Nuuk). Other meetings on which information was not made publicly available have also been held, both before June 2010 and after February 2014. Science meetings have been convened in June 2011 (Anchorage), October 2013 (Tromsø) and April 2015 (Seattle), the last one also involving scientists from China, Iceland, Japan and South Korea.

The Declaration signed in Oslo was already envisaged in the Chairman's Statement of the February 2014 Nuuk meeting and was scheduled to be signed at ministerial level in June 2014. The Russian Federation's annexation of Crimea and the subsequent events in Eastern Ukraine disrupted these plans and for a while it was uncertain if these and 'The Way Forward' agreed to in Nuuk would ever come to fruition. The Oslo Declaration – signed at ambassadorial rather than ministerial level, probably instigated by Canada in view of the many Canadians with Ukrainian descent – brought an end to this uncertainty and confirmed that the consensus that existed in Nuuk had remained largely intact.

The most important commitment of the Oslo Declaration is that the Arctic Five will implement an interim measure that authorizes their vessels "to conduct commercial fishing in [the high seas portion of the central Arctic Ocean] only pursuant to one or more regional or subregional fisheries management organizations or arrangements that are or may be established to manage such fishing in accordance with recognized international standards." The wording is identical to that agreed in Nuuk, except for the substitution of "modern" by "recognized," which is arguably not a very significant change. As already said above, this commitment cannot be equated with a 'moratorium', 'ban' or 'freeze of fishing effort' as it still allows fishing pursuant to existing or new regional fisheries management organizations or arrangements (RFMOs/As). The Oslo Declaration's explicit reference to the North-East Atlantic Fisheries Commission (NEAFC) – whose mandate extends to part of the high seas portion of the central Arctic Ocean – amounts to a recognition that NEAFC is one such existing RFMO/A.

A similar explicit recognition of the Joint Norwegian-Russian Fisheries Commission (Joint Commission) is not included in the Oslo Declaration, even though its geographical mandate implicitly includes the entire Arctic Ocean, and Norway and the Russian Federation appear to view it as an RFMA. However, for a number of reasons – more relating to geopolitics than international law – it does not seem very likely that Norway and the Russian Federation will authorize their vessels to engage in commercial fishing in the high seas of the central Arctic Ocean exclusively pursuant to regulation by the Joint Commission. First of all, their participation in the Arctic Five's process on Arctic Ocean fisheries already reflects their support for a multilateral rather than a bilateral approach. Moreover,

while the Oslo Declaration repeats once again the Arctic Five's position that there is "no need at present to establish" a new RFMO – as commercially viable fisheries are unlikely to materialize in the future – it also envisages a "broader process" involving other interested States (and entities) "to develop measures consistent with [the Oslo Declaration] that would include commitments by all interested States." It is submitted that such measures would constitute an RFMA.

The Nuuk Chairman's Statement also envisaged this 'broader process' and even explicitly mentioned that "the final outcome could be a binding international agreement." Its non-inclusion in the Oslo Declaration reflects as a minimum a lack of consensus on the need or desirability of the sentence. However, the root cause for this could also be a lack of support by one of more of the Arctic Five for a legally binding outcome. On the other hand, the significance of the non-inclusion of the sentence should also not be overstated, as a legally binding outcome is not ruled out.

At the time of writing, the envisaged broader process still seemed to be in a design-phase without agreement on rules of procedure, date and venue of a first meeting, and who will participate besides the Arctic Five. Some time ago the intention seemed to be that participation in the broader process would be exclusively based on invitation by the Arctic Five, and that the following non-Arctic states and entities would be invited: China, the European Union (EU), Iceland, Japan and South Korea. Participation by states and entities in the broader process would thus consist of 'Five-plus-Five.' Limiting participation in this way may also serve to ensure that the Arctic Five are not outnumbered by non-Arctic Ocean coastal states and entities. However, the substitution of the phrase "additional States" by "all interested States" raises the question if the Arctic Five are perhaps considering more inclusive participation.

The Oslo Declaration recognizes the interests of Arctic indigenous peoples "in the proper management of living marine resources in the Arctic Ocean." However, participation of their representatives in their own right – rather than as part of the delegations of the Arctic Five – is probably not able to secure consensus among the Arctic Five, and may also be opposed by non-Arctic States that have concerns relating to indigenous peoples, in particular China. Participation by non-governmental organizations – both green and industry – may be less controversial.

So far, the only real challenge to the role claimed by the Arctic Five seems to have come from Iceland, which took/takes the view that it is entitled to join the Arctic Five, apparently on account of the possibility that the distributional range of fish stocks that occur in the Arctic Ocean also overlaps with Iceland's maritime zones. It is nevertheless submitted that, in their capacity as coastal states to the Arctic Ocean, the Arctic Five share certain rights, interests and concerns as well as obligations, and it is therefore perfectly understandable – and often in fact required – that they cooperate and coordinate on various issues at one level or another. Iceland is simply not an Arctic Ocean coastal state on account of geography. If the Arctic Five were to allow Iceland to join them, they would not only have difficulty in finding a convincing common denominator but would also stimulate 'applications' by other 'nearby' states or entities, or renewed calls to convene the 'broader process' under the auspices of the Arctic Council.

One of the earliest instances of cooperation among the Arctic Five – although not necessarily conceived as belonging to the domain of the international law of the sea – is the 1973 Agreement on the Conservation of Polar Bears. So far, the Arctic Five's process on Arctic Ocean fisheries is not inconsistent with international law. Most importantly, nothing in the Oslo Declaration suggests that the Arctic Five's commitments will be imposed on non-signatories. The Declaration only observes that the Arctic Five "intend to continue to work together to encourage other States to take measures in respect of vessels entitled to fly their flags that are consistent with these interim measures." This will probably above all be done by means of the envisaged broader process.

While the Arctic Five's process on Arctic Ocean fisheries has so far arguably been in conformity with international law, there are certainly concerns about the envisaged broader process. First, the Arctic Five have repeatedly and explicitly claimed a lead role in the development of international regulation of high seas fishing in the central Arctic Ocean. The Nuuk Chairman's Statement describes their lead role as "appropriate." At earlier occasions, one or more of the Arctic Five argued their lead role to be based on their 'special/particular responsibility' and 'unique interest and role' as Arctic Ocean coastal states. The Oslo Declaration is silent about the Arctic Five's lead role, however, and contains instead a clarification of the Declaration's rationale and international legal basis, with particular reference to the precautionary approach.

This does not mean that the Arctic Five have renounced their lead role. Among other things, they are likely to maintain full control on the crucial and sensitive issue of participation in the broader process. If participation would indeed consist of Five-plus-Five, this would be open to challenges of inconsistency with the freedom of high seas fishing and the right of all states with a 'real interest' to participate in RFMOs/As that have a partial or exclusive high seas mandate. The difficulty for such challenges is that Five-plus-Five would be largely in line with the current overall practice on membership or participation within such RFMOs/As. It should also be kept in mind that there are currently no commercially viable fisheries in the high seas of the central Arctic Ocean and this may remain unchanged for a considerable number of years to come. Finally, as noted above, it may well be that the Arctic Five are considering more inclusive participation than Five-plus-Five.

Another reason why the Arctic Five claimed a lead role was to significantly shape the substantive output of the broader process. The Oslo Declaration stipulates that the measures resulting from the broader process are to be "consistent with" the Oslo Declaration. This raises the question as to how much flexibility among the Arctic Five, and room for maneuvering and negotiation there eventually will be? Or, to put it differently, to what extent will the substance of the Oslo Declaration amount to a *fait accompli* and preclude the newly invited states and entities from participating in the broader process in a way that would be both meaningful and consistent with their rights under international law? Here too, however, it must be emphasized that there are currently no commercially viable high seas fisheries and that the Oslo Declaration does not propose a 'moratorium', 'ban' or 'freeze of fishing effort'.

A second distinct concern on the broader process is that the Arctic Five have spatially confined it to the high seas of the central Arctic Ocean. If this remains unchanged, it would not address the potential risk that coastal State maritime zones in the central Arctic Ocean will be subject to less stringent

regulation than the high seas portion. It can be safely assumed that fisheries will become commercially viable within coastal State maritime zones earlier than within the high seas area. The more urgent challenge, therefore, is for each of the Arctic Five to ensure that commercial fishing in their own maritime zones is also regulated in accordance with 'recognized international standards', with particular reference to new and exploratory fisheries. Such regulation will - for reasons of credibility and in light of the notion of compatibility laid down in Article 7 of the 1995 Fish Stocks Agreement – be crucial for securing support among non-Arctic Ocean coastal states and entities to participate in the envisaged broader process and its eventual adoption of a regional instrument on high seas fisheries in the central Arctic Ocean. Non-Arctic Ocean coastal states and entities may also propose that the notion of compatibility be included in this instrument. For the United States this would not appear to be problematic, as it has already put in place a 'freeze of fishing effort' in its exclusive economic zone off Alaska in the Arctic Ocean. Hopefully, the other Arctic Ocean coastal states either already have regulation with a similar stringency level in place or are prepared to do so sooner or later, but at any rate before the conclusion of the broader process.

Despite these points of concern, it would be inappropriate to conclude this contribution without due appreciation for the Arctic Five's pro-active and precautionary efforts and commitments, and implicit dismissal of a *laissez-faire, laissez-aller* attitude. It is to be hoped that their envisaged broader process commences in the near future, will operate in accordance with international law and produce a successful outcome, in particular in light of the ecosystem approach to fisheries management.

Briefing Note

Exploring Reasons & Remedies for the EU's Incapability to Devise an "Arctic Policy":

The Quest for Coherence

Adam Stępień & Andreas Raspotnik

The European Commission and the European External Action Service (EEAS) are, at the time of publishing of this year's Arctic Yearbook, working on a new policy statement concerning the EU's Arctic policy. The new communication, requested by the Council of the European Union, is likely to surface in the first half of 2016, slightly passing the original 2015 deadline (EU-Council 2014). In this Briefing Note, we focus on the formulation of the EU Arctic policy as an overarching framework, which so far has found its expression in declaratory statements (communications) from the Commission and the Union's High Representative. Two main questions shine out: Why has it been so difficult to formulate a statement that meets expectations of analysts and Arctic actors and are we likely to see it finally occurring in 2016?

2016 would mark eight years since the Commission's first communication on Arctic matters. Eight years during which the geopolitical "hot" Arctic turned into a realistic "cold" Arctic. Eight years during

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which the EU's general approach towards the North is still a matter of debate and its policy still an emerging one – a policy in search for a clear goal and a purpose. This painful and discouraging process of elaborating a clear statement of the EU's Arctic ambitions, contrasts with the otherwise appreciable progress in the EU's Arctic-specific activities. The EU's funding for Arctic research is still widely prized. The EU's representatives in the work of Arctic Council have been able to provide visible inputs, in particular as regards short-lived climate forcers (Joint Research Centre), birds (European Environment Agency) or to the work of PAME (DG Move and the European Maritime Safety Agency). Although leaving much to be desired, the dialogue with Arctic indigenous peoples has become regular and more substantial. Recently, consultations regarding streamlining EU Arctic funding have been carried out. While characterized by far too many deficiencies, the very fact of conducting such consultations deserves acknowledgment.

Despite this progress, during eight years, the EU's three main institutions (the Council, Commission and European Parliament) have appeared to be incapable of proposing a clear-cut overarching Arctic policy. What are the underlying reasons for this particular European incapability? The answer may lie in an issue raised by the EU institutions themselves; that is the matter of (internal and external) "coherence" and a proposed aim of formulating an "integrated" policy.

The European Parliament (EP), in its 2014 resolution, called for the formulation of a "united EU policy on the Arctic" and a "coherent strategy and concretized action plan on the EU's engagement in the Arctic" (European Parliament 2014). At the same time, the Council requested the Commission to work towards "further development of an integrated and coherent Arctic Policy" (EU-Council 2014). Consequently, the essential question is what coherence and integration could mean in the context of a crosscutting Arctic policy. Commentators – and apparently also the EP and the Council – would like to see the EU's Arctic policy statement to be comprehensive, coherent, integrated, co-ordinated, action-oriented and specific. However, could it be the case that the very nature of the EU Arctic policy and the character of the multifaceted EU-Arctic nexus make such expectations somewhat exorbitant?

Coherence, notwithstanding multiple meanings of the term, could refer to the consistence between constitutive elements of a policy, so that contradictions between a variety of policy objectives and components are avoided or minimized. But more importantly, coherence should entail encouraging synergies between these various components. The policy should therefore make a positive difference and have added value within a policy system, and not merely minimize internal contradictions (May et al. 2005; Mayer 2013; Stępień, forthcoming).

In an EU internal horizontal context, coherence may also refer to "speaking with one voice" and related uniformity between the relevant institutions. When applied to a geographical space, an external dimension to the policy coherence needs to be considered, as the policy should facilitate synergies not only between various EU actions, but also with the actions of other actors operating in the region (Gebhard 2011).

An "integrated policy" – a concept closely associated with coherence and equally ambiguous – could refer to a policy that brings together under a set of common objectives and instruments a number of

interrelated sectors (e.g. fisheries and maritime transport) or a policy rooted in general EU policy frameworks (e.g. the EU's Common Fisheries Policy or the Integrated Maritime Policy) (see e.g., Meijers & Stead 2004; van Hoof et al. 2012).

In the case of a crosscutting issue like the Arctic, various components of a possible Arctic policy (fisheries, research, climate change, maritime transport, etc.) are bound together by a specific geographical label. In order to be something more than merely a label - to be more than just a sum of these different components and have added value – the EU's final Arctic policy product would thus need to have even a minimal degree of coherence and integration. A genuine overarching "policy" needs to make even a modest difference: either in the region or within the general EU policy framework. In our understanding two issues make this quest for coherence a critical, but at the same time perhaps an insurmountable challenge:

- the diversity of issues brought together under the Arctic policy umbrella; and
- a marginal position of Arctic issues within the EU policy system as such.

Over the years, an increasing number of issues started to fall under the umbrella of an emerging EU Arctic policy. While 2008 documents focused on research, fisheries, marine environment, shipping and hydrocarbon extraction, from 2011 and 2012 the Arctic label was stuck to regional development in Fennoscandia, mining, reindeer herding or the Sámi issues. Currently – based on the content of recent consultations on streamlining EU Arctic funding – terrestrial transport, infrastructure and numerous EU funding programmes are being added to the list.

The objectives or instruments of an overarching Arctic policy would have to be fairly abstract and vague in order to encompass such a diversity of components (and in addition would have to correspond to actions and positions taken by the Arctic states themselves). And indeed, so far the objectives proposed in the 2008 and 2012 communications were anything but concrete and workable (*see* e.g., Keil & Raspotnik 2012). In 2012, the objectives virtually degraded to three buzzwords – knowledge, responsibility and engagement – which turned out to be little more than headlines for various disconnected, mostly already on-going, activities (Airoldi 2014).

Would it be at all possible, instead of these general objectives, to propose a short list of concrete, new actions or to find a single *organizing idea* (May et al. 2005) for the Union's Arctic policy? Accordingly, climate change could be positioned as such a top priority. However up to now, it somehow has not caught broader attention to really make it an Arctic policy driving force, *i.e.* a glue that could bind together diverse issues labelled as "Arctic." Yet, would the various interest groups within the EU actually allow the response to climate change to be prioritized over other problems and objectives? And even if climate change was to become the key organizing priority, another problem remains, namely the peripherality of Arctic issues as a concern for the EU. The Arctic appears to be fairly marginal from the point of view of a policymaker regulating for a half a billion citizens.

In that regard – as already noted by Powell (2011) – the very (analytical) starting point sounds rather simple but seems to be impossible to answer: What does the Arctic say about the (future) *extent* of Europe? Moreover, what does the European Arctic or the broader Northern Neighbourhood actually mean for the European Union in general?

The Eastern Neighbourhood (e.g. the Ukraine-Russia-EU triangle) and the Southern Neighbourhood (e.g. the Mediterranean migration crisis) undoubtedly and *in fact* matter, whereas the Northern Neighbourhood does not. Moreover, the term "Northern Neighbourhood" actually does not even exist in official EU vocabulary. The Arctic region may be (economically) relevant in the decades to come, however currently it is simply not.

Hence, a key question occurs: how to "integrate" this "not-yet-existing-policy-region" into the EU's current policy structure?

Instead of devising an "integrated" strategy that essentially lacks a common understanding ("one thought/perception, one voice") of what the region is and means, EU policymakers could initially focus their crosscutting Arctic activities on creating procedures, instruments and mechanisms enhancing and supporting the EU's very presence in the region – presence which already has a couple of positive facets. Elements of such an approach could include:

- enhanced coordination within the Commission, between EU institutions and Member States;
- durable and meaningful consultation platforms for engaging Arctic stakeholders (including those from outside the EU or EEA); and
- considering long-term mechanisms for communicating the knowledge gained through the EU's Arctic engagement to the general EU decision-making processes (for instance via impact assessments conducted before EU regulations are proposed).

Some steps towards that direction have already been taken, but the challenges are still plenty. The established inter-service group that brings together policy officers from various DGs, EEAs and EU agencies was a first necessary step for an envisaged coordinated approach. However, so far the irregular meetings have served primarily information purposes. Additionally, the channels for informing major EU decision-making processes on Arctic-specific problems are scarce, if any. The ways for better informing both EU public and Arctic stakeholders about what the EU does in the Arctic are also being discussed. However, numerous critical comments (Personal communications, Rovaniemi, Oslo, Brussels, April-July 2015) on recent consultations dedicated to streamlining EU Arctic funding indicate that the implementation of stakeholder engagement remains a major challenge. And as regards EU-indigenous *Arctic Dialogue* meetings, we are yet to see any concrete effects of this format for the EU's activities in the Arctic.

The upcoming policy document will show whether progress has been made in any of these procedural areas, whether any concrete goals could be devised, organizing ideas found and in general whether the "Northern Neighbourhood" has any real and defined significance for the EU as a whole, a significance beyond declaratory and formal statements. The new communication might show whether the overarching EU Arctic-policy framework can be coherent, whether it can – against the odds – manifest features of an integrated policy and whether it supports many, still disconnected, EU activities in the region.

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Briefing Note

25 Years of the International Arctic Science Committee (IASC)

Malgorzata Smieszek

The Arctic Council (AC) is generally considered the primary circumpolar forum for international cooperation in the region (Graczyk 2012; Koivurova 2009). This view is reflected in the increasing interest that the Council has attracted over the last couple of years – both from the non-Arctic states and actors as well as from Arctic nations, in particular the United States which holds the AC Chairmanship from 2015 to 2017. Yet, while the Arctic Council is coming to its 20th anniversary in 2016, another body established by the eight Arctic states celebrates this year twenty-five years of its operation.

The International Arctic Science Committee (IASC) founded in 1990 is a non-governmental international scientific organization, which today encompasses national science organizations from 23 countries conducting research in and on the Arctic. Over the past 25 years IASC has evolved into the leading international science entity focused on the North and thus the anniversary provides an excellent opportunity to recall its beginnings and to reflect upon its evolution, achievements made to date and challenges that lay ahead of it in future.

Foundation of IASC

The initiative for the development of IASC drew largely on the history of polar exploration (Keskitalo 2004) and international scientific cooperation in the Arctic that began in the late 19th century with the

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first International Polar Year (IPY) (1882-1883) organized by the International Polar Commission.[1] The first IPY did not only collect an enormous amount of material and information, but it was also the first successful attempt at collaboration by different countries in the field of scientific research (Barr & Luedecke 2010) and a major breakthrough in the conduct of research in the Arctic, dominated until that time by patriotic rivalries and separate competitive national explorations (Stone 2015: 71). The second IPY took place fifty years later in 1932-33 and the third, under the banner of International Geophysical Year (IGY), in 1957-1958. The IGY had a strong focus on Antarctica and, as a form of its legacy, the International Council of Scientific Unions (ICSU, today's International Council for Science) established in 1958 the Scientific Committee on Antarctic Research (SCAR), which later came to serve as a model for scientific cooperation in the Arctic. It was during the SCAR meeting in San Diego in 1986 that the idea of creating an equivalent body for scientific collaboration in the Arctic was informally discussed among delegates from both Arctic and non-Arctic countries. The initiative came from the United States and the then President of SCAR and the Chairman of the newly established US Arctic Research Commission (USARC) who proposed the creation of similar collaboration mechanisms that existed for the Antarctica also for the North. However, the situation in the Arctic was much different from that around the South Pole and still strongly marked by the Cold War divisions.

Apart from single occasions like the signing of the Polar Bear Treaty in 1973, the Soviet Union had a strict policy of bilateral contacts in the region, which during the 1980s took form of scientific cooperation between the USSR and Canada, and the USSR and Norway. Moreover, the long-standing Soviet position was that Arctic affairs should be dealt with by Arctic rim states alone (Keskitalo 2004: 45). Hence, even though the main outcome of the San Diego meeting was a consent to continue to explore the possibility of creating an international Arctic science committee (Rogne, Rachold, Hacquebord & Corell 2015: 9), due to the USSR stance it was agreed that the next meeting would include representatives solely from Arctic nations. However, at that time no clear definition of the Arctic nation yet existed. It was only after a series of consultations, which began with the Arctic littoral states, that it was decided that countries with territories north of the Arctic Circle would be considered the Arctic ones, hence laying ground for the final identification of the eight states as "Arctic" (Keskitalo 2004: 45), the definition later adopted by the Arctic Environmental Protection Strategy (AEPS) and subsequently by the Arctic Council.

With regard to what later became the International Arctic Science Committee (IASC), the planning process and elaboration of the organizations founding articles continued in the cycle of meetings between February 1987 and May 1989. In the meantime, in October 1987, Mikhail Gorbachev delivered his groundbreaking speech in Murmansk, which paved the way for future collaborative efforts in the region. Next to proposing an integrated plan for protecting Arctic natural environment, Gorbachev put forward the idea of an international organization to facilitate scientific research in the North. While the discussions on its creation had already been well underway, the Murmansk speech ensured the USSR support to the initiative and provided the impetus for further work.

However, it turned out that the main obstacle in the process was reaching an agreement among Arctic countries on participation and a role of non-Arctic nations in the new body. Even though delegates

from the Federal Republic of Germany, France, Japan, Poland and the UK took part in the abovementioned gathering during the SCAR meeting in San Diego, due to the USSR position and to the disappointment of leading scientists from those countries, further talks continued without them. Hence, to clarify the situation on the founding process of IASC, they asked their governments to take action and in March 1989 France, Germany, the Netherlands and the UK formally approached the Arctic countries with a 'Note Verbale' to explain their policy on the IASC (Rogne et al. 2015: 22).

The note drew significant attention of the Arctic eight and resulted in a temporary standstill of the negotiations as it occurred that there was no consensus among Arctic states on the role of non-Arctic countries in the new organization. Both Canada and the USSR strongly opposed participation of non-Arctic states on an equal basis and argued that "the founding articles of IASC must reflect the broader range of scientific interests and responsibilities of the Arctic countries" (Note Verbale Canadian Foreign Office Ottawa in: Rogne et al. 2015). On the contrary, the United States was in favour of the exclusively scientific body without any governmental control or distinction between the scientific organizations from Arctic and non-Arctic states. This point illustrates well the degree of politicization of the whole process, where despite IASC being a non-governmental organization, "representatives of national governments played a central role in its creation" (Young 1992: 40-41, draft in: Keskitalo 2004).

IASC Founding Meeting in Resolute Bay, Canada, August 1990.

To find a way out and to move forward, representatives of three states (Canada, USA and the USSR) met in December 1989 in Moscow and came up with a new proposal for a structure and founding articles of IASC. To find compromise on the interests of both sides, it was agreed that next to the IASC Council, i.e. the highest decision-making body of the organization, where all the member countries – both Arctic and non-Arctic ones – would enjoy equal rights, the Regional Board would be

created with inclusion of representatives of relevant national organizations solely from the Arctic eight (Rogne et al. 2015: 24). The Board was to consider general regional problems affecting the common interests of the Arctic countries and ensure that the activities of IASC would remain consistent with those interests (IASC Founding Articles, part D, art. 1).[2] This agreement removed the last obstacle on the way to establishment of the International Arctic Science Committee, which was eventually founded in Resolute Bay, Nunavut, Canada in August 1990. Whereas representatives of France, Germany, Japan, Poland and the United Kingdom attended the meeting still solely as observers, during the first regular meeting of the IASC Council in January 1991 the science organizations of France, Germany, Japan, the Netherlands, Poland and the United Kingdom were admitted as the first non-Arctic full members of IASC.

From early days to ICARP III

The founding of IASC marked the beginning of a new era of collaborative efforts in the region. Not only fruitful completion of negotiations on the Committee helped to energize the process which led to signing of the Arctic Environmental Protection Strategy (AEPS) in Rovaniemi in June 1991 (Young 1998: 116), but the International Arctic Science Committee played a pivotal role in overcoming divisions and developing cooperation between Russian and Western scientists working on the Arctic who previously had had very limited contact.

Initially, even though according to its founding articles IASC was supposed to operate through the working groups, most of its work was done through international projects, to deliver tangible outcomes within a prescribed period of time. The projects revolved around the themes of impacts of global changes on the Arctic region and its peoples, Arctic processes of relevance to global systems, natural processes within the Arctic, and sustainable development in the region.

IASC Working Group Workshop in Potsdam, Germany, January 2011.

In order to provide a more robust roadmap for researchers working on the region, in 1995 IASC convened the first International Conference on Arctic Research Planning (ICARP I), which brought together more than 250 scientists and defined ten large research themes, later undertaken by scientists and translated into concrete research projects. Moreover, as Oran Young notes, ICARP I provided IASC with a programmatic identity and enhanced links between Arctic and global science. It also brought a sense of community among scientists working on Arctic issues (Oran Young in: Rogne et al. 2015: 42-43).

As the first conference proved to be a success, it was decided that it would be repeated every ten years. Hence, the second ICARP took place in 2005 in Copenhagen. It gathered more than 450 participants and produced twelve scientific plans, which helped to identify fundamental questions for Arctic science as well as numerous activities that later contributed to the fourth International Polar Year (2007-2008) and were subsequently implemented. Another form of legacy of ICARP II and the fourth IPY has been a very strong encouragement for inclusion of early career scientists into the work of IASC, which began in the preparations to both initiatives. Since its foundation in 2006 the Association of Polar Early Career Scientists (APECS) has developed a close partnership with IASC and greatly profited from the Committee's support. In addition, in 2014 IASC established a Fellowship Program to promote the next generation of scientists working on the Arctic and to involve them in works of five of the IASC working groups (WGs): Atmosphere WG; Cryosphere WG, Marine WG, Social & Human WG; and the Terrestrial WG.[3]

However, the partnership between IASC and APECS is only one among many synergies that the Committee has generated over the course of time. From the perspective of bringing science closer to policy-making circles perhaps the most important one is the relationship with the Arctic Council with which IASC partnered in producing one of the most seminal works documenting the region's change, the Arctic Climate Impact Assessment (ACIA).[4] Moreover, IASC has been an observer to the AEPS, and consequently to the Arctic Council, from the time the Rovaniemi Process started in 1991. Since that time IASC has supported works of the AC by bringing the scientific expertise from all of its members, including non-Arctic states, to the AC assessments or by coordinating the reports' scientific review processes as it did in case of the Arctic Human Development Report-II (AHDR-II) or the Arctic Resilience Report (ARR). A further step towards bringing the two institutions closer together and towards facilitating the science-policy dialogue is organizing the March 2016 meeting of the Arctic Council's Senior Arctic Officials (SAO) in Fairbanks, Alaska in conjunction with the Arctic Science Summit Week (ASSW), which is the largest gathering of the international organizations supporting and facilitating Arctic research that convenes annually under the auspices of IASC since 1999.

It was also during the ASSW, which this year took place in Toyama, Japan that the 25th anniversary of IASC was celebrated. The summit gathered more than seven hundred participants from twenty-seven countries - international scientists, policy makers, research managers, indigenous peoples and students - and saw the culmination of the ICARP III process that began a year earlier, during the ASSW 2014 in Helsinki. Whereas its final report is to come out in fall 2105, the ASSW 2015 concluded with the Toyama Conference Statement *Integrating Arctic Research: A Roadmap for the Future*, which contains a set of overarching messages for future Arctic research planning process. The document

also pinpoints major challenges that lie ahead of Arctic science and our understanding of changes occurring in the region which transformation spurs global interest and unprecedented attention.

Arctic Science Summit Week 2011 held in Seoul, Korea, March/April 2011.

Into the Future

Nothing better confirms the organization' focal position in promotion and facilitation of international research on the Arctic than the incoming applications for IASC member status. Since the time of its foundation in 1990 the IASC membership has been constantly growing and today includes twenty-three countries conducting research in the Arctic. Throughout the time IASC has become a market place (Rogne et al. 2015) or a "forum where an idea first germinated before being brought to fruition through extensive international collaboration in other organizations (particularly those controlling infrastructure and other resources)" (Stone 2015). The organization played also an important role in moving Arctic science onto the cutting edge of science at large and deepening our comprehension of the dynamics of the coupled socio-ecological systems (Rogne et al. 2015). Yet today, changes in the Arctic are still challenging our understanding of their consequences both on the regional as well as on global scale, and the scientific community's ability to provide relevant and timely knowledge for decision-makers (Toyama Conference Statement). Addressing those challenges requires sustained scientific observations and combining them with insights from local and traditional ecological knowledge - both efforts strongly encouraged and supported by IASC. And while the Arctic moves from the periphery of international relations closer to the center of the world's political and economic interests, science still remains the key to sustainable development and future of the region. As the long historical tradition of polar research shows, greatest achievements down this road come through international collaboration and cooperation where over the last twenty-five years the role of IASC has been indisputable.

Notes

1. The International Polar Commission included the Austro-Hungarian Empire, the Dominion of Canada, Denmark, Finland, France, Germany, the Netherlands, Norway, Russia, Sweden, the United Kingdom and the United States.
2. However, with the creation of the Arctic Environmental Protection Strategy (AEPS) in 1991 the Regional Board soon lost its main rationale and while its meetings contributed to exchange of information between key Arctic science managers, eventually the Board decided to disband in 2008 (Rogne et al. 2015).
3. In 2010 the IASC Council decided, in order to best harness capacities and expertise of its members, to come back to the originally prescribed structure, finalize the ongoing projects and replace them with the thematically divided working groups listed above.
4. The idea of ACIA was brought to attention of the Arctic Council by Robert Corell, who at that time was the IASC representative to the Arctic Council as Chair of the IASC Regional Board. During the first US chairmanship of the AC (1998-2000) he presented to the Council a proposal of a comprehensive assessment of climate change in the Arctic. Since the idea corresponded closely with a task given to Arctic Monitoring and Assessment Programme (AMAP) and Conservation of Arctic Flora and Fauna (CAFF), two AC working groups, by the ministers at the 1998 AC Ministerial meeting, IASC and AMAP entered into a partnership to develop ACIA.

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Briefing Note

From Ice Law to ICE LAW:

Constructing an Interdisciplinary Research Project on the Political-Legal Challenges of Polar Environments

Philip Steinberg & Kate Coddington

This briefing note reports and reflects on the ICE LAW Project (the Project on Indeterminate and Changing Environments: Law, the Anthropocene, and the World), a venture convened by IBRU, the Centre for Borders Research at Durham University with the support of the UArctic Thematic Network on Arctic Law. In June 2014, twenty-two scholars with expertise in cultural anthropology, state theory, political geography, and legal studies gathered to consider the challenges that ice – and particularly the sea ice of the polar regions – poses to regulatory norms and political institutions based on a Western legal framework that assumes a clear, permanent, and experienced division between solid land and liquid water. In this briefing note, we describe the process of constructing an interdisciplinary research project based on the geophysical complexities of ice, report on the results of the 2014 workshop, describe the interdisciplinary methodological approach constructed, and outline further research endeavours. In addition, we reflect on a number of research challenges posed by the project: How can one examine general characteristics of polar environments while acknowledging the specificity of inhabited (i.e. Arctic) regions? How can a research focus on one element (sea ice) be paired with acknowledgment of the complex ways in which livelihoods cross between polar surfaces? How can one identify regulatory gaps and inform practical solutions while advancing conceptual understanding? How can a focus on the Arctic be used to address broader global challenges amidst unprecedented anthropogenic transformation of the global environment?

Introduction

Although the United Nations Convention on the Law of the Sea (UNCLOS) (United Nations 1982) is universally recognised as providing the fundamental governing framework for the ocean

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that lies at the centre of the Arctic region (e.g. Ilulissat Declaration 2008), only one of its 320 articles acknowledges that parts of the ocean are, for at least part of the year, not liquid. Article 234 gives coastal states exceptional environmental powers in portions of their exclusive economic zones where the persistence of "ice-cover" for "most of the year" poses a hazard to navigation. However, even this article contains lacunae that complicate effective implementation: what is meant by "ice-cover"? At what point would melting due to climate change render an area not "ice-covered" for "most of the year"? How do these provisions relate to other provisions in UNCLOS, such as those governing international straits? Can Article 234 inform legal practice in other areas where UNCLOS implementation is complicated by the presence of ice (e.g., the role of ice edges in determining baselines)? How does Article 234 reflect (or fail to reflect) the concerns of users other than commercial shipping interests, such as indigenous inhabitants, for whom ice is not a hazard but an enabler of livelihoods? (Aporta 2011; Byers 2013; Kay 2004; Steinberg et al. 2015).

For all these reasons, it is apparent that UNCLOS provides, at best, a starting point for regulating activities in ice-covered maritime regions. But if UNCLOS is not fully up to the task, how might it be supplemented, or interpreted, or replaced to better reflect the activities that transpire on a frozen ocean? And, equally significantly, what does the failure of UNCLOS to adequately account for frozen ocean tell us about the underpinning principles of state sovereignty and international law, in the Arctic and elsewhere?

In 2014, these questions led researchers at IBRU, Durham University's Centre for Borders Research, to form the Ice Law Project.[1] The Project's first event was the *Workshop on International Law, State Sovereignty, and the Ice-Land-Water Interface*, held in June 2014 in Durham, England, with support from the University of the Arctic's Thematic Network on Arctic Law.

The Workshop on International Law, State Sovereignty, and the Ice-Land-Water Interface

The workshop was designed to address sea-ice related questions at a number of overlapping levels. At the most practical level, the workshop sought to identify gaps resulting from UNCLOS' failure to recognise sea ice and suggest ways that these gaps might be filled through new legal instruments. At a somewhat more conceptual level, the workshop sought to explore how the absence of a comprehensive regime for sea ice was reflective of a systemic disjuncture between, on the one hand, temperate-zone-derived legal and political principles and, on the other hand, the realities of the ways in which indigenous peoples, non-indigenous residents, and outside investors and states encounter the Arctic environment. This inquiry, although conceptual, was also of practical import because, as the workshop's programme noted, "As the imprint of state institutions intensifies in the Arctic, these ruptures between ideals of state sovereignty and the actual territories that are constructed by those who would control, live in, invest in, or pass through them are likely to become more apparent and more problematic for all parties involved" (IBRU 2014). Finally, in organizing the workshop, we hoped that it and its follow-up projects would contribute to far-reaching understanding of how "legal, political, and regulatory systems are faced with the need to adapt to the uncertainties and instabilities associated with dynamic notions of 'territory' amidst climate change and geophysical flux" (IBRU 2014).

To meet its more 'practical' goals, the workshop sought to join anthropological expertise in the uses of ice in Arctic livelihoods with legal expertise in how ice was being regulated in national and

sub-national jurisdictions to identify how international law's blindness to the specificities of sea ice might be overcome. We recognized from the start that any attempt to implement recommendations emerging from this exercise would face formidable political hurdles. The modern state system is based on a fundamental distinction between solid land (which is divided into state territories) and liquid ocean (which is beyond territory) (Steinberg 2001, 2009). The history of preliminary efforts to conceptualize an 'Arctic Treaty' has made it clear that any effort to implement a legal regime based on any other understanding of the relationship between geophysics and geopolitics in the Arctic would face a chilly reception in diplomatic circles (e.g. Bellinger 2008; Ilulissat 2008).

Nonetheless, we felt that 'blue sky' thinking was needed to begin a conversation that could become highly relevant should the political opportunity emerge. To encourage this 'blue sky' thinking, we attempted to bracket questions of political practicability to the greatest extent possible. The programme sent to participants prior to the workshop made this intent clear:

> As an academic grouping without sponsorship from any policy-implementing body, the collection of anthropologists, legal scholars, and political theorists being brought together for this workshop will have the freedom to consider options that address the concerns and practices of peoples and institutions that encounter the specificities of Arctic and sub-Arctic landscapes and seascapes (IBRU 2014).

The politics that might hinder implementation would be considered later, if at all.

We also sought to prevent the discussion from being overly constrained by considerations of political practicality by pairing the 'practical' goal with the workshop's more 'conceptual' goals: to use sea ice as a lens for exploring more generally the ways in which geophysical categorizations fail to reflect experiences of space 'on the ground'. Such an inquiry would address a broader trend within political geography and international relations toward querying the material basis of political categories and institutions and, in particular, the relationship between geophysical and geopolitical binaries (e.g. Clark 2010; Coole & Frost 2010; *Millennium* 2013).

To ensure that both the conceptual and practical goals were continually engaged, twelve invited Arctic scholars were joined by ten invited scholars *without* any particular Arctic expertise but with strong research profiles in related areas of law, political theory, anthropology, and geography. As might be expected, the Arctic experts, and in particular the anthropologists and lawyers among them, focused more on the practical goals. Conversely, the non-Arctic experts, and in particular the political theorists and geographers among them, focused on the more conceptual goals. However a surprising diversion of priorities emerged as the conversation proceeded. Notwithstanding the project's origins in the identification of a specific gap in UNCLOS (and the need to suggest ways to fill it), 'practical'-oriented Arctic experts consistently argued that the remit of the project should expand beyond sea ice. If, they asked, the goal was to investigate how actual encounters with the environment resist the categorizations of modern law, then should the remit of the project not be expanded to Arctic waters regardless of their frozen state? Should it not also include ice-covered land, which also confounds the idealized land-sea binary of modern law? Indeed, if the goal was to create legal frameworks that reflect the livelihoods of northern peoples, should the focus not be the entire Arctic environment? To do otherwise, the argument went, would be to reproduce the binaries that the project was aiming to transcend.

Likewise, just as the practical-minded participants objected to the focus on ice (and, especially, sea

ice), some among them also objected to the focus on law. It was noted that law, by its very nature, divides space (and uses of space) into generalizable categories that deny the possibility for change over time, and thus some argued that the focus on law was inconsistent with the project's objectives. Some workshop participants suggested that the legal focus needed to be abandoned entirely if we were to maintain an understanding of Arctic space and its uses as dynamic and unstable. Others suggested that these problems could be addressed by expanding the legal focus to include international soft law (e.g. regulatory mechanisms that operate by means not directly connected with the control of territory) or by adopting a legal pluralist perspective that recognized how state-based legal systems and practices are interwoven with community-based regulatory norms.

In short, several of the participants who were more directly engaged in applied Arctic advocacy and research, questioned both the focus on ice (and particularly sea ice) and the focus on law (and particularly formal public international law). These were potentially damning critiques for an initiative called the Ice Law Project. After all, if the Ice Law Project was not to be about either ice or law, then what was to be its focus?

The aftermath

During the final day of the workshop, participants agreed that we had begun a creative and potentially fruitful conversation that joined scholars studying human encounters with icy environments, other scholars examining the adaptations and frustrations that occur when Western law is applied to those environments, and still others theorizing what these experiences tell us about the relationship between state and space. However, many in the group acknowledged that the initially chosen vehicle for that conversation – the development of a model law for sea ice (Article 234a, as it came to be called at the workshop) – might not be well suited for the task. The general consensus was that the goal of constructing a model public international law of sea ice was too constrained by the formality of law, the temporal and spatial restrictions mandated by the category of sea ice, and the impracticality of its realization. Nonetheless, participants retained a commitment toward addressing the broader question of how Western law is and is not suited to frigid environments. They also retained a commitment toward exploring how answers to that question might enhance both the development of Arctic regulatory institutions and our understanding of the geophysical underpinnings of modern state institutions.

To that end, in the year since the workshop occurred, the Ice Law Project has taken on four tasks that have sought to pursue its research agenda through a more distributed approach. The first, and most simple, has been to rename the Ice Law Project as the ICE LAW Project, with the acronym standing for 'Indeterminate and Changing Environments; Law, the Anthropocene, and the World'. This name change signifies that the project is not *solely* about understanding the intersection between ice and law (and perhaps developing a new set of legal mechanisms for regulating human uses of ice). It also announces our intent to use our understanding of that intersection for making broader insights about the relationship between a dynamic geophysical world undergoing unprecedented, human-generated climate change and a political-legal system that imagines static and absolute boundaries among land-based, territorial states and between solid land and liquid sea. Some of these insights will likely be of especial relevance for understanding the Arctic, but some may well be oriented toward increased understanding of global processes and institutions.

The second task has been to solicit brief 'reflection' pieces from workshop participants. As the project website notes:

> Participants were asked to submit 500-1000 word reflections on the mismatch between, on the one hand, the assumed division of the world into solid land and liquid water and, on the other hand, space as it is experienced and produced in polar regions. Participants were asked to reflect on the opportunities that this mismatch provides for:
>
> a) Understanding historic and potential relationships between the perceived physicality of the earth and notions/practices of territory, and/or
>
> b) Developing legal/regulatory mechanisms that are suited to address the challenges that the physicality of the region poses to actors there (Ice Law Project 2014).

Thirteen participants have provided 'Reflection' pieces that continue the conversation beyond the confines of the meeting room.[2]

Thirdly, the different foci and priorities that emerged during the project suggested that the best route forward was to continue a conversation among diverse individuals stimulated by overlapping questions and perspectives rather than by working toward a single scholarly or practical product. To this end, discussion during the final day of the workshop identified four coherent themes where more research was needed regarding the challenges and disjunctures that emerge when Western norms are applied in icy environments: Territory, Legal Instruments, Resources, and Mobilities.[3] These were subsequently joined by three other themes: Local and Indigenous Perspectives, Migrations, and Global Connections. As of this writing (June 2015), two major grant proposals are pending that, if successful, will facilitate sub-project workshops as well as information-sharing and networking among sub-project leaders.

Fourthly, the ICE LAW project has fostered follow-up research within its individual subprojects, with two funding proposals presently pending. One, within the Territory subproject, proposes to examine sea ice relative to three other (non-Arctic) spaces where dynamic geophysical processes are also confounding the idealized binary between land and sea. The other, which cuts across the Legal Instruments, Local and Indigenous Perspectives, and Mobilities subprojects, seeks to investigate how local and indigenous communities are mobilizing to build hazard response capabilities in response to the region's changing environment. Other projects are likely to follow.

From Ice Law to ICE LAW, the project's one-year journey sheds light on the pitfalls and possibilities that emerge when one engages the Arctic as a region that is both exemplary and exceptional. One the one hand, using the Arctic as a *lens* or, worse yet, as a *laboratory* for understanding the world is highly problematic. When one adopts this approach, the Arctic's unique attributes are either elided or oversimplified, and the actual experiences and needs of Arctic peoples and social institutions are forgotten. On the other hand, the tendency to frame the Arctic as solely a place for practical problem-solving is equally problematic as it relegates the region to the margins of social thought and, ultimately, social power. In its effort to approach the Arctic as *both* a space of practical solving and as an exemplar for exploring processes that transcend the region the ICE LAW Project continues to negotiate the tensions and possibilities that emerge from these two conflicting objectives.

Coda: 'Blue Sky' vs. 'Blue Water'

As of this writing, we have before us an announcement for the Norwegian Scientific Academy for

Polar Research's August 2015 summer school in Svalbard: Arctic Ocean Governance as a Multifunctional Challenge. At first glance, the programme announcement looks oddly familiar:

> A circumpolar system of governance is in the making for the Arctic Ocean, both when it comes to regime and structure. Among the eight Arctic states there is broad agreement (*Ilullisat-declaration of 28 May 2009*) that the *United Nations Convention on the Law of the Sea of 1982* (UNCLOS) and other global ocean conventions is to be applied as the basic regulatory foundation of the Arctic Ocean. At the same time, the fact is that the UNCLOS mostly was developed to regulate the challenges of "blue water" Oceans. Out of the 320 articles of the UNCLOS, only one - Article 234 - deals specifically with ice-covered waters. Issues specific to Arctic natural conditions, such as sea ice, environmental fragility/sensitivity, polar darkness etc. are not fully or sufficiently addressed in UNCLOS. (Norwegian Scientific Academy for Polar Research et al., 2015).

A closer reading reveals, however, that this gathering will be very different from the Durham workshop. The Durham meeting sought to temporarily bracket practical political considerations so as to encourage 'blue sky' thinking regarding what the problems of regulating ice can tell us *both* about the Arctic and about the geophysical basis of the modern state. The Svalbard school, by contrast, is resolutely grounded in practical possibility. The focus will be on identifying and discussing soft law mechanisms that could fill the gaps left by UNCLOS' 'blue-water' focus. These include mechanisms that have been already agreed to, such as the International Maritime Organisation's Polar Code and the Arctic Council-negotiated Arctic Search and Rescue Coordination Agreement, and potential future mechanisms. The organisers of this gathering have identified specific problems and they are bringing together policy experts and engaged students in an effort to explore possible solutions.

We find both efforts exciting. Both potentially could affect the livelihoods of Arctic residents as well as how the Arctic is perceived by outsiders. And yet we find the differences in the two meetings' orientation intriguing as well, as they are indicative of a broader tension that has characterised the Ice Law / ICE LAW Project since its inception and that echo broader tensions within the discipline of Arctic studies: how can one merge the critical study of law and society with the imperative to develop workable solutions for a distinct region beset by a wide range of social, political, legal, and economic challenges, some of which are regionally unique? The different, but complementary approaches of the Durham and Svalbard groups demonstrates the exciting potential of the Arctic for generating new ways of thinking about global legal, political, and environmental challenges *and* the need to draw from a wide range of perspectives so as to develop practicable solutions for the region. We look forward to reading a report from Svalbard in next year's Arctic Yearbook.

Notes

1. For more information on the project, see its website, http://www.icelawproject.org.
2. The 13 participant reflections can be viewed at http://icelawproject.org/reflections-2/).
3. The project's four themes are detailed further at http://icelawproject.org/subprojects/research-phases/.

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Calotte Academy 2015

Crossing & Bridging Borders in the Euro-Arctic North

Andrian Vlakhov & Hanna Lempinen

This year's edition of the Calotte Academy, an established travelling symposium focusing on the social and political issues in the Arctic, took place in three Northern European countries: Finland, Russia and Norway. The Academy owes its name to the Northern Calotte, i.e. the northernmost part of both Fennoscandia and Russia, and it has a long and glorious history. Having started in the late 1980s when the region was still divided by many borders, both political and symbolic, the "nomadic" summer school has witnessed many changes since then: the empires fell, the borders opened, the people changed. The school itself has changed, too, but it has preserved the main idea of the original Academy: the person-to-person interaction between local experts and decision-makers and established and early career researchers whose scientific interests lie in the Arctic, regardless of any borders. This year, given the complex political situation and tensions between Russia and the West, preserving this idea was crucial, even the most important since the end of the Cold.

The 2015 Academy had its focus on the theme "Resources and Security in the Globalized Arctic". However, this did not limit the scope of participants' topics to political science only: the presenters had different academic background and areas of focus, including among others anthropology, law, psychology, economics and environmental sciences. Together, the group provided the nexus between different areas of science, the thing many Arctic research planners are seeking now; maybe this is the way how the new Arctic research agenda can begin to be introduced.

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Day 1-3: from Finland to Russia

The symposium started in Rovaniemi, the capital of Northern Finland and home to the University of Lapland on the 31st of May with a conference reception hosted by the city of Rovaniemi. In the following day, it was time for the academic sessions to begin. This year's conference program consisted of research presentations by participants as well as brainstorming meetings, and already the first day effectively combined these two types of activity. First two sessions, both focusing on political sciences − "Resources, Energy and Security" and "International Cooperation, Arctic Strategies, Science Diplomacy and Security" − covered the trending processes in the globalized Arctic. The presenters discussed the role of resources for Arctic development and management, ways of developing and implementing Arctic strategies by different states, and new political challenges in the region (mostly connected to Russian international policies). As anticipated, the discussions were animated and even heated, however the general idea of reaching a consensus prevailed throughout the debates. The brainstorming meetings included discussions of major research projects, international scientific activities and other topics aimed at career development; on the first day's session, a new research network initiative *Global Arctic* was presented, and the participants were given a chance to discuss their possible future contributions and collaboration.

Day two was the first border-crossing day during the symposium. After a short morning session that included a presentation by the mayor of Salla municipality and some research insights into Salla's life and development (a result of a cross-border research project itself!), the group started making its way towards Russia. This journey both busted some myths about Russia and supported others. Indeed, the border crossing was smooth and took little time (proof that the physical boundaries are easily permeable), which left some time to visit the borderland Russian municipality of Alakurtti, the base of the newly established Arctic Brigade of the Russian Army (which proves that the Russian military buildup in the Arctic is real). The road to Apatity, the Academy home for the next two nights, was much better than anticipated: the infamous gravel road from the border to the highway was partly freshly paved, which made the journey smooth and fast, unlike the general perception of the poor quality of Russian roads. However, the sad surprise was a vivid ethnographic insight into Russian life: the pipe maintenance in Apatity resulted in the absence of hot water in the whole town, confirming that Russia still has much to do in its transition from the Soviet period.

Day 4-5: from Russia to Norway

The third day, hosted by the Luzin Institute for Economic Studies of the RAS Kola Science Center, comprised mainly of presentations by Russian participants focusing on economics. Unfortunately, the dramatic changes in the Russian economy made it virtually impossible for regional Russian researchers to make the entire journey with the rest of the Academy, but this day managed to bridge this gap and secure full Russian participation in this important cross-border activity. The participants focused mainly on the economics of energy development of the Russian Arctic, cross-border cooperation in the Barents Region, and issues of social and environmental sustainability in the circumpolar north. It is to be noted that the language of the science doesn't recognize the political boundaries: all the talks − even if delivered through an interpreter − contained valuable insights into the global processes and provided ground for interesting discussions. One can only

hope that the so far successful cooperation between Western and Russian partners can be sustained despite the complex political and economic situation.

The fourth day of the Academy didn't contain any presentations; however, it featured long and in many ways enlightening travel across the entire Kola Peninsula, the heart of the Russian North and the home to many cultural, natural and man-made attractions. The first part of the day's journey, the northbound route towards Murmansk, was telling the tale of conquering the North: the heavily polluted industrial sites of Monchegorsk and Olenegorsk, the Kola Nuclear Power Plant and the long-gone indigenous history of the area. The city of Murmansk, the largest human settlement above the Polar Circle and home to the Russian Northern Fleet, served as the midpoint of the journey. During the second part of the day's ride, the Academy participants had an opportunity to look at the Russian war monuments, military installations from the Cold War era, heavy industrial pollution in Nikel and Zapolyarny (with nearly all vegetation destroyed) and borderland area with barbed wire and streaming rivers. Such insights into the cultural and natural history of the Arctic keep reminding researchers that the Arctic keeps traces of all kinds of human activity and there is still much to be discovered.

Days 6-7: From Norway Back to Finland

The last two days of the Academy, held at the maritime Norwegian town of Kirkenes and in Inari, the capital of Finnish Lapland, mainly focused on the issues of social sustainability, human capital in the North and indigenous and environmental studies. The researchers presented several cases from all across the Arctic, some of them discussing ways of achieving social sustainability and welfare in the circumpolar communities (indigenous and non-indigenous alike), some studying the strategies of environmental management in the Arctic Ocean and the Barents Region, some reflecting on the national policies of the Arctic activities and climate change mitigation. The continuity found in these talks provides an interesting insight into Arctic research in general: how the community-based approach and the studies of global processes can both serve to assess and address potential Arctic futures and build development strategies for global and grass-roots actors. The last evening of the tour brought all the participants together for an outdoor barbeque dinner by the campfire and the genuine Finnish sauna experience on shores of still icy-cold Lake Inari; indeed, not only the academic sessions, but also the endless hours spent in the bus and the well-planned social program are crucial components for making the Calotte Academy what is – a forum for open and enlightening discussions with a friendly and welcoming atmosphere.

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The 2015 Calotte Academy features an outstanding example of how the boundaries between different groups and actors can melt and disappear if cooperation and communication are the chosen approach. This concerns boundaries between the established and the early-career researchers, Western and Russian scholars, women and men, but most importantly — researchers from different disciplines. The nexus between social and political sciences and humanities and, more broadly, between "hard" and "soft" sciences, is crucial for conducting meaningful Arctic research. Only comparing different points of view and assessing the situation from different perspectives we can understand the deep roots of the global processes such as climate change and militarization of the Arctic or, vice versa, understand how the global issues are reflected in individual case studies at the local level. This is exactly what happens during the Calotte Academy:

exchange of ideas between people from different countries and different disciplines, evaluation of the research results by peers and established scholars, person-to-person contact between the brightest representatives of the Arctic research. Such opportunities keep bringing people together, and despite the fact that the Academy takes a different route every year, the ideas created during it persist and keep crossing the borders — physical and imagined ones alike.

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